

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES 1934

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NUMBER 167

Washington, Tuesday, August 22, 1944

The President

PROCLAMATION 2618

FIRE PREVENTION WEEK, 1944

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the widening operations of our valiant armies and navies make it imperative that we exert our utmost effort to provide an increasingly abundant flow of goods and materials to every battle front; and

WHEREAS the prevention of waste is as essential to this end as is the production of goods; and

WHEREAS the waste occasioned throughout the Nation by preventable fires reaches a staggering total each year:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the week beginning October 8, 1944, as Fire Prevention Week.

I earnestly request every citizen to devote special thought and effort during Fire Prevention Week to detecting and eliminating fire hazards within his own control and to providing adequate protection against the waste of our fighting power through destruction by fire. I also request State and local governments, the Chamber of Commerce of the United States, the National Fire Waste Council, business and labor organizations, educational and civic groups, and the various agencies of the press, the radio, and the motion-picture industry throughout the country to lend themselves to the stimulation of the public purpose to reduce and eliminate losses by preventable fire. I also direct the Department of Agriculture, the War Production Board, the protective services of the War and Navy Departments, and other appropriate agencies of the Federal Government to give the widest possible support and assistance to every effort to inform and instruct the public with respect to the possibilities and importance of the fire-prevention program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of August, in the year of our Lord nineteen hundred and [SEAL] forty-four, and of the independence of the United States of America the one hundred and sixty-ninth.

FRANKLIN D. ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[F. R. Doc. 44-12557; Filed, August 19, 1944;
12:19 p. m.]

EXECUTIVE ORDER 9466

AUTHORIZING THE SECRETARY OF THE NAVY
TO TAKE POSSESSION OF AND OPERATE
THE PLANTS AND FACILITIES OF CERTAIN
MACHINE SHOP COMPANIES¹

WHEREAS after investigation I find and proclaim that the plants and facilities of the companies named in the list attached hereto and made a part hereof, located in or near San Francisco, California, are equipped for the manufacture and production of articles and materials that are required for the war effort, or that are useful in connection therewith; that there are existing or threatened interruptions of the operation of said plants and facilities as a result of labor disturbances; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facilities;

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including Section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United

¹ See National War Labor Board and Office of Economic Stabilization, *infra*.

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

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States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of the Navy is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of the companies named in the list attached hereto and made a part hereof, and to the extent that he may deem necessary, of any real or personal property, and other assets wherever situated, used in connection with the operation thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the said companies, and to continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale, and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of the Navy shall operate the said plants and facilities pursuant to the provisions of the War Labor Disputes Act, and during his operation of the plants and facilities shall observe the terms and conditions of the Directive Order of the Tenth Regional War Labor Board dated April 20, 1944, as modified by the Directive Order of the National War Labor Board dated June 3, 1944.

3. The Secretary of the Navy shall permit the managements of the plants and facilities taken under the provisions of this order to continue with their managerial functions to the maximum degree possible, consistent with the aims of this order.

4. The Secretary of the Navy is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein.

5. Possession, control, and operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of the Navy within 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
August 19, 1944.

- John Albertoli Machine Co., 418 Beach Street.
- Brunigs Machine Works, 523 Brannan Street.
- Coen Co., 40 Boardman Place.
- Cook Research Labs, L. H. Ltd., 829 Crane, Menlo Park.
- Crane Co., 301 Brannan Street.
- Forrester Cornice Works, 203 Potrero Ave.
- Gedrich Mfg. Co., 1634 McKinnon Ave.
- Int'l Totalizer Co., Inc., 716 S. Railroad Ave., San Mateo.
- King Gun Sight Co., 171 2nd Street.
- Thos. King Co., 63 Clementina Street.
- Krenz, Oscar, 612 Bryant Street.
- Lietz, The A. Co., 633 Commercial Street.
- Marine Electric Co., 195 Fremont Street.
- National Motor Bearing Co., Redwood City.
- Pacific Coast Envelope Co., 400 2nd St.
- Pacific Elevator & Equipment Co., 45 Rausch Street.
- Pacific Machine Shop, 300 11th Street.
- Reichel, O. R. & Co., 710 Natoma Street.
- Schmidt Lithograph Co., 2nd & Bryant Streets.
- Staples & Pfeiffer Co., Inc., 523 Bryant Street.
- Stone-Eyals Electric & Mfg. Co., 470 Natoma Street.
- J. A. Symon, Machine Works, 3648 18th Street.
- Tubbs Cordage Co., 22nd & Iowa Streets.
- Vincent Whitney Co., 130 10th Street.
- Weule Co., Louis, 119 Stuart Street.
- American Can Co.:
(Machine Shop) 499 Alabama Street.
(Pacific Factory) 22nd & 3rd Streets.
(United Factory) 19th & Treat Ave.
- American Laundry Machine Co., 1600 Bryant Street.
- W. R. Ames Co., 159 Hooper Street.
- Atlas Elevator Co., 417 6th Street.
- Atlas Heating & Ventilating Co., 557 4th Street.
- Chas. M. Bailey Co., 657 Folsom Street.
- Bertsch Machine Works, 2449 3rd Street.
- Bedlinson Mfg. Co., 2491 Bayshore Blvd.
- Bowie Switch Co., 19th & Tennessee Streets.
- E. D. Bullard Co., 351 8th Street.
- C. F. Bulotti Machinery Co., 823 Folsom Street.
- Burch Mfg. Co., 78 Natoma Street.
- Butte Electric & Mfg. Co., 124 Russ Street.
- California Packing Corporation, 101 California Street.
- California Pellet Mill Co., 725 Tehama Street.
- California Press Mfg. Co., 1800 Folsom Street.
- California Screw Co., 74 Clementina Street.
- Cherry-Burrell Corp., 777 Folsom Street.
- Christie Machine Works, 201 Harrison Street.
- Cochin Mfg. Co., South San Francisco.
- Curle Mfg. Co., 599 Sarmiento Street.
- Cyclops Iron Works, 837 Folsom Street.
- Dalmo Victor Co., 18th & York Streets.
- Davis Machine Works, 400 7th Street.
- Duart Manufacturing Co., 824 Folsom Street.
- International Sales Company, 2045 Evans Avenue.
- Metals Manufacturing Co., 2770 Folsom.
- De Laval Pacific Company, 61 Beale Street.
- Dorward Pump Company, 210 Mission Street.
- Elite Machine Works, 227 7th Street.
- Fairbanks Morse and Company, 639 3rd Street.
- Federal Megul Service, 655 Turk Street.
- General Tool, Die & Stamping Works, 1601 Howard Street.
- Greenberg's, M. Sons, 765 Folsom Street.
- Jenkins Machine Works, 18th Street & Treat Avenue.
- Judson Pacific Company, 1209 17th Street.
- Keece Display & Fixture Company, 641 Market Street.
- King Sales & Engineering Company, 210 1st Street.
- Kingwell Brothers, Ltd., 444 Natoma Street.
- Kortick Mfg. Company, 335 1st Street.
- Larkin Specialty Mfg. Company, 253 1st Street.
- Mailier Scarico, Inc., 303 7th Street.
- Metal Products Fabricating Company, 119 Kansas Street.
- Montague Pipe & Steel Company, 1939 3rd Street.
- Mutual Engineering Company, South San Francisco.
- National Welding Equipment, 223 Main Street.
- Niagara Duplicator Company, 123 Main Street.
- Northern Packing Company, Pier 92.
- Orton Machine Company, 630 Fremont.
- Pacific Can Company, Williams & Newhall Streets.
- Pacific Electric Mfg. Company, 5315 3rd Street.

- 77. Pacific Foundry Company, 3100 19th Street.
- 78. Pacific Pumping Company, 960 Howard Street.
- 79. Pacific Screw Company, 566 Van Ness South.
- 80. Payne's Bolt Works, 201 Main Street.
- 81. Pelton Water Wheel Company, 2929 19th Street.
- 82. Price Pump Company, 1350 Folsom Street.
- 83. Ray Oil Burner Company, 401 Bernal Avenue.
- 84. S. F. Screw Products Company, 755 Brannan Street.
- 85. Shanzer, H. M., Company, 85 Bluxome Street.
- 86. Soule Steel Company, 1750 Army Street.
- 87. Superior Grinding & Motor Company, 865 Post Street.
- 88. Troy Laundry Machinery Company, 1201 Folsom Street.
- 89. Turner Machinery Company, 1655 Folsom Street.
- 90. Union Machine Company, 934 Brannan Street.
- 91. Victor Equipment Company, 844 Folsom Street.
- 92. Joseph Wagner Mfg. Company, 441 Folsom Street.
- 93. Welchart-Fairmont Company, 237 Natoma Street.
- 94. Weslx Electric Heater Company, 390 1st Street.
- 95. West Coast Laundry Machine Company, 3246 17th Street.
- 96. Western Crown Cork & Seal Corporation, 25th Street & Potrero Avenue.
- 97. Williams-Wallace Company, 160 Hooper Street.
- 98. H. C. Wood Machine Works, 514 Bryant Street.
- 99. Q. R. S. Neon Corporation, Ltd., 690 Potrero Avenue.

[F. R. Doc. 44-12602; Filed, August 21, 1944; 12:01 p. m.]

EXECUTIVE ORDER 9467

AMENDMENT OF EXECUTIVE ORDER NO. 1888 OF FEBRUARY 2, 1914, AS AMENDED, RELATING TO CONDITIONS OF EMPLOYMENT IN THE SERVICE OF THE PANAMA CANAL AND THE PANAMA RAILROAD COMPANY ON THE ISTHMUS OF PANAMA

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act approved July 9, 1937, 50 Stat. 487, it is hereby ordered as follows:

SEC. 1. Paragraph 6 of Executive Order No. 1888 of February 2, 1914, as amended by the Executive order of February 20, 1920, is amended to read as follows:

"6. No employees shall receive compensation at a rate in excess of \$100 a month or 50 cents an hour unless they are citizens of the United States or of the Republic of Panama; and such citizens shall be given preference for employment in all grades: *Provided, however*, (a) that aliens may be employed in positions for which the rate of compensation is in excess of \$100 a month or 50 cents an hour (1) if they occupied the same or similar positions for two years or more during the construction of the Canal, or (2) if such action is deemed necessary by reason of an emergency, in which latter case, however, the aliens shall be replaced by citizens of the United States or of the Republic of Panama as early as

practicable; and (b) that the Governor is authorized to increase the rate of compensation of not more than 200 alien employees to a rate exceeding \$100 a month or 50 cents an hour."

SEC. 2. Paragraph 16 of the said Executive order is amended to read as follows:

"16. Employees may be granted such passes and reduced rates on the Panama Railroad, for use by the employees, dependent members of their families, or relatives temporarily residing with them, as may be authorized by the Governor in his discretion."

SEC. 3. Paragraph 19 of the said Executive order is amended to read as follows:

"19. All employees in cases of illness or injury will receive free medical care and attendance in the hospitals. If medical attendance is furnished in quarters, a charge may be made under regulations to be prescribed by the Governor. Employees shall be charged for medical care and attendance furnished members of their families at the hospitals and at their quarters at such rates and under such regulations as may be prescribed by the Governor."

SEC. 4. Paragraph 20 of the said Executive order, as amended by the Executive order of February 20, 1920, is amended to read as follows:

"20. All employees who are citizens of the United States, and alien employees who receive compensation at a rate in excess of \$100 a month or 50 cents an hour, with the exception of those who receive such compensation under authority of subparagraph (c) in paragraph 6 of this Order, as amended, shall be entitled to leave privileges under this Order."

SEC. 5. Paragraph 24 of the said Executive order, as substituted in Executive Order No. 2514 of January 15, 1917, and amended by Executive Order No. 8931 of November 1, 1941, is amended to read as follows:

"24. Absences of one-half day or more when regularly authorized, and absences on account of illness or injury when supported by the certificate of an authorized physician in the service of The Panama Canal, shall be charged against annual leave."

SEC. 6. Paragraph 36 of the said Executive order, as substituted in Executive Order No. 2514 of January 15, 1917, is amended to read as follows:

"36. When an employee's service is terminated, a cash payment in commutation of leave will be made to him, or in the event of his death to his estate, for the number of days' cumulative leave due plus the annual leave due. When an employee has accumulated leave to the amount of 120 days or more, and the taking of leave by such employee has been deferred by order of the Governor for a period of, or periods aggregating, six months, and the employee at the expiration of such period or periods still cannot, in the judgment of the Governor, be spared to permit the employee to enter upon leave without detriment to the

efficient maintenance, operation, sanitation, civil government or protection of the Panama Canal and Canal Zone, the Governor may in his discretion authorize cash payment in commutation of the leave accumulated in excess of 120 days: *Provided*, that the amount of leave which may be commuted during the employee's service year shall not exceed the amount of leave earned by the employee during the preceding service year: And *provided further*, that this sentence shall remain in effect only during the continuance of the present war and for six months thereafter."

SEC. 7. Executive Order No. 8986 of December 19, 1941,¹ and Executive Order No. 9164 of May 18, 1942,² are hereby revoked.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
August 19, 1944.

[F. R. Doc. 44-12601; Filed, August 21, 1944; 12:01 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

APPLICATION FEES

Section 22.1 (d) of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 22.1 Application fees. * * *

(d) Each application for a partial release of mortgaged security shall be accompanied by a fee of \$10.00; *Provided, however*, That no such fee shall be required to be paid if at the time the application for partial release is filed there is also filed an application for a new loan on all or a part of the security to be released.

(Sec. 13 "Ninth", 39 Stat. 372; sec. 26, 48 Stat. 44; sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Supp.; 6 CFR 19.326 and 19.330.) (Res. Bd. of Dir. April 21, 1943 and July 19, 1944.)

[SEAL] THE FEDERAL LAND BANK
OF BALTIMORE,
E. W. McSPARRAN,
Treasurer.

[F. R. Doc. 44-12481; Filed, August 19, 1944; 4:56 p. m.]

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

LOAN FEES

Section 22.2 (a) of Title 6, Code of Federal Regulations, is amended by adding a new paragraph at the end thereof to read as follows:

§ 22.2 Loan fees. * * *

(a) Closing fees. * * *

The foregoing fees shall not be required to be paid in connection with any

¹ 6 F.R. 6625.

² 7 F.R. 3765.

application for a loan to refinance a real estate contract or purchase money mortgage, executed to the Bank or the Federal Farm Mortgage Corporation unless the amount applied for exceeds the amount required for the purpose of refinancing such a real estate contract or purchase money mortgage. If the amount applied for exceeds such amount, the initial fees shall be charged and collected and, if the application results in a loan in excess of the amount required to refinance the real estate contract or purchase money mortgage, there shall be deducted from the proceeds of the loan a fee comparable to the fee which would be collectible in connection with a new loan: *Provided, however,* That the amount of the fee shall be computed only on that part of the loan which exceeds the amount required to refinance the real estate contract or purchase money mortgage.

(Sec. 4, 39 Stat. 362; sec. 13 "Ninth", 39 Stat. 372; sec. 26, 48 Stat. 44; Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 674, 781 "Ninth", 723 (e) 1016 (e) and Sup.; 6 CFR 19.326 and 19.330.) (Res. Bd. of Dir. May 16, 1944 and July 19, 1944.)

[SEAL] THE FEDERAL LAND BANK
OF BALTIMORE,
E. W. MCSPARRAN,
Treasurer.

[F. R. Doc. 44-12480; Filed, August-18, 1944;
4:57 p. m.]

Chapter II—War Food Administration (Commodity Credit)

[1944 C. C. C. Cotton Form 1—Instructions]

PART 256—1944 COTTON LOANS

1944 COTTON LOAN INSTRUCTIONS

Pursuant to the 1944 Cotton Loan Program of Commodity Credit Corporation, loans on eligible upland cotton, American-Egyptian cotton, and Sea-Island cotton, will be made available to eligible producers. Such loans may be obtained either direct from Commodity Credit Corporation or from lending agencies. These instructions state the requirements with reference to such loans.

- Sec.
- 256.1 Definitions.
- 256.2 Forms.
- 256.3 Amount.
- 256.4 Classification of cotton.
- 256.5 Preparation of documents.
- 256.6 Approved warehouses.
- 256.7 Warehouse receipts.
- 256.8 Warehouse charges.
- 256.9 Liens
- 256.10 Direct loans.
- 256.11 Time and manner of tendering loans for purchase and pooling.
- 256.12 Lending agency.
- 256.13 Federal Reserve Banks.
- 256.14 Repayments.

AUTHORITY: §§ 256.1 to 256.14, inclusive, issued under sec. 302 Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), sec. 4 of the Act approved July 1, 1941 (55 Stat. 498; 15 U.S.C., 1940 ed., Supp. II, 713a-8), the Act of Oct. 2, 1942 (56 Stat. 767; 50 U.S.C., 1940 ed., Supp. II, 963), as amended by the Act of June 30, 1944 (Pub. L. No. 383, 78th Cong.) and the Act of Feb. 28, 1944 (58 Stat. 105)

§ 256.1 *Definitions.* As used in these instructions, unless the context otherwise requires, the following terms will be construed respectively to mean:

(a) *Eligible producer.* An eligible producer shall be any person producing cotton in 1944 in the capacity of landowner, landlord, tenant, or sharecropper. Person, as used herein, means an individual, partnership, firm, corporation, association, joint-stock company, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision. If the eligible cotton produced on a farm has been divided among the producers entitled to share in such cotton, the landlord, tenants, and sharecroppers may each obtain a loan on his separate share, or two or more such producers may obtain a loan jointly on their shares of such cotton. Share tenants and sharecroppers may not obtain a loan on cotton in which a landlord has an interest. However, a tenant and his landlord may obtain a joint loan on cotton in which they both have an interest. In any case where a landlord obtains a loan on cotton in which a share tenant or sharecropper has an interest, the 1944 Cotton Producer's Note and Loan Agreement (1944 C.C.C. Cotton Form A) (hereinafter referred to as "Form A") and the 1944 Cotton Mortgage Supplement (1944 C.C.C. Cotton Form FF) (hereinafter referred to as "Form FF") require that he have the legal right to do so, and that the share tenant or sharecropper be paid his pro rata share of the proceeds.

(b) *Eligible cotton.* Eligible cotton shall be cotton produced in 1944 by or for a producer, provided that the cotton meets the following requirements:

(1) Such cotton must be of a grade and staple specified in the applicable table appearing at the end of these instructions.

(2) In the case of warehouse-stored cotton, such cotton must be represented by warehouse receipts complying with the provisions of § 256.7 of these instructions. In the case of farm-stored cotton, the cotton must be covered by a Cotton Chattel Mortgage (C.C.C. Cotton Form F) (hereinafter referred to as "Form F") and Form FF which will give the payee of the Cotton Producer's Note (C.C.C. Cotton Form E) hereinafter referred to as "Form E" secured by such mortgage a first lien on such cotton.

(3) Such cotton must not be compressed to high density.

(4) Such cotton must be free and clear of all liens and encumbrances, except (in the case of warehouse-stored cotton) those in favor of the warehouse in which the cotton is stored, as specified in the Warehouseman's Certificate and Storage Agreement in Form A.

(5) Such cotton must be tendered for a loan by a person who has the legal right to pledge or mortgage it as security for a loan.

(6) The beneficial interest in the cotton must be, and must always have been, in the person tendering such cotton

for a loan, or in such person and any share tenant or sharecropper having an interest in the cotton or its proceeds in case such person is a landlord and is placing under loan cotton in which both he and the share tenant or sharecropper have an interest.

(7) Such cotton must not have been received in payment of standing or fixed rent.

(8) All persons having an interest in the cotton must be entitled to loans on the cotton.

(9) Each bale of such cotton must weigh at least 300 pounds.

(10) American-Egyptian cotton and Sea-Island cotton shall be of normal character. No such cotton shall be accepted for loan with respect to which official classification indicates any reduction in grade and staple length because of irregularities or defects.

(c) *Lending agency.* Any bank, corporation, partnership, association or person who has executed a Lending Agency Agreement (C.C.C. Cotton Form D) covering loans on 1944 crop cotton.

(d) *Eligible paper.* A Form A or a Form E duly executed subsequent to July 31, 1944, and prior to May 1, 1945. State documentary revenue stamps should be affixed thereto where required by law. (A Form A or a Form E executed by an administrator, executor, or trustee will be acceptable only where valid in law and must be submitted for a direct loan in accordance with § 256.10 of these instructions, unless accompanied by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the regional office of Commodity Credit Corporation, New Orleans 12, Louisiana.)

§ 256.2 *Forms.* The following documents must be delivered in connection with every loan:

(a) *Warehouse-stored cotton.*

(1) Form A.

(2) Warehouse receipts complying with the provisions of § 256.7 hereof.

(3) Producer's Letter of Transmittal (C.C.C. Cotton Form B) or Lending Agency's Letter of Transmittal (C.C.C. Cotton Form C).

(b) *Farm-stored cotton.*

(1) Form E.

(2) Form F covering the cotton tendered as security for the loan.

(3) Lending Agency's Letter of Transmittal (C.C.C. Cotton Form C) (unless the loan is being made direct by Commodity Credit Corporation).

Each of the forms A, B, E, F, and FF, representing American-Egyptian cotton or Sea-Island cotton, must have the words "American-Egyptian cotton" or "Sea-Island cotton," as the case may be, conspicuously stamped or typed at the top of each such form.

§ 256.3 *Amount.* All loans will be made on the net weight of the cotton. Loans will be made only on those grades and staple lengths shown in Tables Nos. 1, 2, and 3 of these instructions.

(a) *Upland cotton.* The base loan rate applicable at each approved warehouse will be shown in the "Schedule of Approved Warehouses," and the base

loan rate under the farm storage program for each county will be shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton." These schedules will be issued by Commodity Credit Corporation and will be available at the office of the county agricultural conservation committee (hereinafter called "county committee"). Premiums and discounts applicable to each grade and staple length are shown in Table No. 1. Loans on warehouse-stored cotton will be made at the rates shown in the "Schedule of Approved Warehouses," and loans on farm-stored cotton will be made at the rates shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton," adjusted for the appropriate premiums and discounts for each grade and staple length.

(b) *American-Egyptian cotton.* Loans will be made at the rates shown in Table No. 2.

(c) *Sea-Island cotton.* Loans will be made at the rates shown in Table No. 3.

§ 256.4 *Classification of cotton.* All cotton must be classified by a Board of Cotton Examiners of the War Food Administration. Warehousemen (in the case of warehouse-stored cotton) and the county committee (in the case of farm-stored cotton) should forward samples to the Board of Cotton Examiners serving the district in which the warehouse or county is located, and a list showing the class of the cotton will be returned by the board. Instructions have been issued to approved warehouses and county committees concerning sampling and forwarding of samples and recording the class of the cotton in the loan agreement or chattel mortgage. No separate charge is to be made to producers for this service. A Form 1 classification memorandum of the War Food Administration will also be accepted as evidence of the class of cotton.

A charge of 15 cents per bale shall be collected from the producer for all cotton from which samples are submitted to the Board of Cotton Examiners for classification. The Board of Cotton Examiners will make collections for classing charges from the warehousemen and county committees at the end of each month. A certified check, cashier's check, or postal money order, payable to Commodity Credit Corporation, must be sent to the Board of Cotton Examiners by each warehouseman and county committee in payment of these charges.

§ 256.5 *Preparation of documents.* All blanks must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations or erasures will be accepted by Commodity Credit Corporation.

(a) *Warehouse-stored cotton.* A producer desiring to obtain a loan may obtain the necessary forms from approved cotton warehouses, and also from persons approved by the county committees in the cotton-producing areas to assist producers in preparing and executing the loan forms. Only persons approved by county committees for such purpose

may execute the Clerk's certificate on Form A. The Clerk's Certificate must be executed on each Form A tendered for a loan. Such persons are permitted to collect a fee from producers not to exceed the fees shown in the following schedule:

Number of bales on the note	Maximum fee allowed
1-6-----	25 cents.
7-8-----	30 cents.
9-10-----	35 cents.
11-20-----	35 cents, plus 2 cents for each bale over 10.
21 and over-----	55 cents, plus 1 cent for each bale over 20.

Only the original copy of Form A is to be signed, the copy marked "duplicate" is to be retained by the producer. The schedule of warehouse receipts must represent cotton of only one grade and staple length.

(b) *Farm-stored cotton.* A producer desiring to obtain a loan on farm-stored cotton may obtain the necessary forms from, and will be assisted in their preparation by, the county committee. A service fee for upland cotton of \$1 per bale and for American-Egyptian cotton and Sea-Island cotton of \$1.30 per bale shall be collected by the county committee from the producer to cover services rendered under this program. Each Form E must be approved by the county committee, and the member signing such form in the space provided certifies on behalf of the county committee, as provided in 1944 Cotton Loan (Farm Storage) Part I, Revised, issued by the Agricultural Adjustment Agency.

§ 256.6 *Approved warehouses.* Warehouse receipts representing eligible cotton will be accepted as security for loans made pursuant to Form A only if issued by warehousemen approved by Commodity Credit Corporation. Warehousemen desiring to be approved should communicate with the regional office of Commodity Credit Corporation, New Orleans 12, Louisiana. When warehouses are approved, notification will be given either by letter or published lists. All cotton pledged as security for any one loan must be in the same warehouse.

The warehouseman is required, as provided in the Warehouseman's Certificate and Storage Agreement in Form A, to draw representative samples from the bales and to deliver or forward such samples to a board of cotton examiners for classing, except where Form 1 classification memorandum of the War Food Administration is used.

Since the loan will be made on net weight, it will be necessary for the warehouseman to determine the amount of tare on each bale and show the tare in the Schedule of Pledged Cotton in Form A. Instructions will be issued to the warehousemen for their guidance in determining tare.

§ 256.7 *Warehouse receipts.* Only negotiable warehouse receipts issued by an approved warehouse, dated on or prior to the date of the producer's note, and properly assigned by an endorsement in blank so as to vest title in the

holders or issued to bearer will be acceptable. They must set out in their written or printed terms a description by tag number and weight of the bale represented thereby, and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1944, which by their terms will expire prior to August 1, 1945, must bear an endorsement of the warehouse extending the terms of the warehouse receipt for a period of 1 year from August 1, 1944. Block warehouse receipts will not be accepted.

§ 256.8 *Warehouse charges.* The warehouseman's charges are limited and his obligation defined by the Warehouseman's Certificate and Storage Agreement contained in Form A. This should be read carefully and must be executed by the warehouseman issuing the cotton warehouse receipts pledged as collateral to the producer's note. It must not be executed more than 10 days preceding the date of the note.

§ 256.9 *Liens.* Eligible cotton must be free and clear of all liens except (in the case of warehouse-stored cotton) those in favor of the warehouse in which the cotton is stored, as specified in the Warehouseman's Certificate and Storage Agreement in Form A. The names of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse), must be listed in the List of Lienholders on each Form A and Form FF, and the lienholders so listed must execute the Lienholder's Waiver on such forms. A Form A or Form FF will not be acceptable unless all prior lienholders are listed in the List of Lienholders and have executed the Lienholder's Waiver. If the producer tendering the cotton for the loan is not the owner of the land on which the cotton was produced, all landowners and landlords must be listed in the List of Lienholders on the Form A or Form FF and must sign the Lienholder's Waiver on such form, whether or not they claim liens, unless they sign the note jointly with the borrower. A misrepresentation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of section 35 (A) of the Criminal Code of the United States (18 U. S. C. 80 (1940)). The Lienholder's Waiver must be signed personally by all lienholders listed, by their agents (in which case duly executed powers of attorney must be attached), or if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 256.10 *Direct loans.* It is contemplated that producers will ordinarily obtain loans from a local bank or other lending agency which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Arrangements, however, have been made for

making direct loans to producers prior to May 1, 1945. In each such case the note must be made payable to Commodity Credit Corporation and must be tendered to Commodity Credit Corporation, New Orleans 12, Louisiana, on a Producer's Letter of Transmittal (C.C.C. Cotton Form B) in duplicate, postmarked not later than April 30, 1945, if tendered by mail. Upon receipt of all necessary documents, properly executed, and upon approval, payment will be made in accordance with the directions of the producer contained in the C.C.C. Cotton Form B, which permits the producer, if he so desires, to designate persons other than himself to receive all or part of the proceeds of the loan.

§ 256.11 *Time and manner of tendering loans for purchase and pooling.* Loans made by a lending agency which has executed and delivered a Lending Agency Agreement (C.C.C. Cotton Form D) to the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana, prior to the making of the loan, will be eligible for purchase or pooling by Commodity Credit Corporation. C.C.C. Cotton Forms D are obtainable only from the Regional Office of Commodity Credit Corporation, New Orleans 12, Louisiana. Under the terms of this agreement, lending agencies which are parties thereto are required to tender to Commodity Credit Corporation, New Orleans 12, Louisiana, on Lending Agency's Letter of Transmittal (C.C.C. Cotton Form C), executed in triplicate, all notes on Form A and Form E, with warehouse receipts and cotton chattel mortgages attached, representing loans made by the lending agency within 15 days of the dates of the notes. Forty notes shall be submitted on each Lending Agency's Letter of Transmittal except when fewer notes are listed thereon in order that the loans may be tendered within 15 days of the dates of their execution. The Lending Agency's Letter of Transmittal shall state whether the lending agency desires the Corporation to purchase the notes or to place them in a pool operated by the Corporation. Upon receipt by Commodity Credit Corporation, the loan papers will be examined and, if found correct, will be approved and purchased or will be transmitted to the Federal Reserve bank serving the district in which the cotton is stored and placed in a pool, as directed by the lending agency. In the event that the notes are pooled, a certificate

of interest representing the interest in the pool, acquired as the result of the deposit therein of the notes shown on the letter of transmittal, will be issued to any approved lending agency designated by the lending agency tendering the eligible paper.

§ 256.12 *Lending agency.* The lending agency shall endorse the notes of producers as provided on Form A and Form E. Care should be exercised by the lending agency (in the case of ware-

house-stored cotton) to determine that the warehouse receipts are genuine. No provision is made for any deduction from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case the lending agency has executed the Clerk's Certificate on Form A.

§ 256.13 *Federal Reserve Banks.* The location of the Federal Reserve banks and branches referred to herein and the district served by each are shown below:

Location	District Served
Atlanta, Ga.....	Georgia, Florida, Virginia, North Carolina, South Carolina.
Birmingham, Ala.....	Alabama.
Dallas, Texas.....	Texas, New Mexico.
Little Rock, Ark.....	All of Arkansas except the counties assigned to Memphis.
Los Angeles, Calif.....	California, Arizona.
Memphis, Tenn.....	Illinois, Missouri, Tennessee; the following counties in Arkansas: Clay, Craighead, Crittenden, Cross, Greene, Lawrence, Lee, Mississippi, Phillips, Polk, Randolph, and St. Francis; and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.
New Orleans, La.....	Louisiana and counties in Mississippi not assigned to Memphis.
Oklahoma City, Okla.....	Oklahoma.

§ 256.14 *Repayments—(a) Warehouse-stored cotton.* No partial releases of the cotton securing a note will be permitted. If a producer desires to obtain the return of the note and the release of the collateral, he should notify Commodity Credit Corporation, care of the Federal Reserve Bank or branch thereof serving the district in which the cotton is stored, as stated in § 256.13 hereof. The notes and warehouse receipts will then be forwarded to an approved bank for release to said producer only and no other person, upon payment of the amount of the loan, the accrued interest and proper charges. Do not send requests for the return of notes and the release of collateral to Regional Offices of Commodity Credit Corporation, New Orleans, Louisiana, as this causes delay in making the release. If the producer desires to sell his equity in the loan cotton, he must complete the Producer's Equity Transfer on his copy of Form A. Upon the request of the producer or upon receipt of the request contained in the Producer's Equity Transfer on the producer's copy of Form A, the note and warehouse receipts will be forwarded to any approved bank designated by the person requesting the

release of the cotton with directions to release such note and warehouse receipts upon payment of the amount of the loan, the accrued interest, and proper charges. In all such cases, the bank will be instructed to return the notes and warehouse receipts to the Federal Reserve bank if payment is not effected within 15 days. All charges and expenses of the bank to which the notes and warehouse receipts are sent shall be paid by the person requesting the release of the cotton. In the event that release of the cotton is requested by the submission of the Producer's Equity Transfer, the witness to the producer's signature to such form must be a person approved for such purpose by a county committee in the cotton-producing area.

(b) *Farm-stored cotton.* If a producer desires to obtain the return of the note and release of the collateral, he should notify the county committee of the county in which the cotton is stored. Partial releases will be allowed. Complete instructions on the release of farm-stored cotton may be obtained from the county committee.

J. B. HUTTON,
President.

AUGUST 1, 1944.

TABLE 1—PREMIUMS AND DISCOUNTS FOR ALL QUALITIES OF 1944 AMERICAN UPLAND COTTON (BACS 12/16 MIDDLING)

Grade	Staple length (inches)													
	1 3/16	3/8	2 1/4	1 1/2	3 1/2	1	1 1/2	1 1/2	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4 and longer
White and extra white:	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points
Good Middling and Better.....	-130	-65	-25	49	59	75	109	109	109	109	109	109	109	1,235
Strict Middling.....	-140	-75	-35	39	49	65	99	99	99	99	99	99	99	1,165
Middling.....	-170	-105	-65	Base	10	25	59	103	219	429	639	849	1,059	1,219
Strict Low Middling.....	-205	-139	-95	-135	-129	-119	-69	-75	99	199	319	429	539	1,059
Low Middling.....	-240	-175	-135	-179	-169	-159	-99	-105	-239	-339	-439	-539	-639	809
Strict Good Ordinary.....	-270	-205	-165	-209	-199	-189	-129	-135	-279	-379	-479	-579	-679	709
Good Ordinary.....	-300	-235	-195	-239	-229	-219	-159	-165	-309	-409	-509	-609	-709	609
Spotted:														
Good Middling.....	-290	-225	-185	-229	-219	-209	-149	-155	-299	-399	-499	-599	-699	509
Strict Middling.....	-320	-255	-215	-259	-249	-239	-179	-185	-329	-429	-529	-629	-729	409
Middling.....	-350	-285	-245	-289	-279	-269	-209	-215	-359	-459	-559	-659	-759	309
Strict Low Middling.....	-380	-315	-275	-319	-309	-299	-239	-245	-389	-489	-589	-689	-789	209
Low Middling.....	-410	-345	-305	-349	-339	-329	-269	-275	-419	-519	-619	-719	-819	109

TABLE 1—PREMIUMS AND DISCOUNTS FOR ALL QUALITIES OF 1944 AMERICAN UPLAND COTTON (BASIS 15/16 MIDDLING)

Grade	Staple length (inches)													
	1 $\frac{1}{16}$	$\frac{7}{16}$	$\frac{9}{16}$	1 $\frac{1}{8}$	$\frac{5}{8}$	1	1 $\frac{1}{2}$	1 $\frac{3}{4}$	1 $\frac{7}{8}$	1 $\frac{9}{8}$	1 $\frac{5}{4}$	1 $\frac{3}{2}$	1 $\frac{1}{2}$	1 $\frac{1}{4}$ and longer
Tinged:	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points	Points
Good Middling.....	-395	-310	-235	-230	-225	-220	-215	-210	-195	-145	-85	-45	6	65
Strict Middling.....	-410	-335	-310	-255	-245	-245	-245	-240	-220	-170	-120	-70	-20	30
Middling.....	-635	-550	-525	-470	-465	-465	-465	-460	-430	-405	-385	-335	-285	-235
Strict Low Middling.....	-760	-685	-665	-615	-615	-610	-610	-610	-605	-585	-535	-485	-435	-385
Low Middling.....	-890	-790	-765	-715	-715	-710	-710	-710	-705	-690	-630	-600	-590	-590
Yellow stained:														
Good Middling.....	-630	-545	-525	-475	-475	-470	-470	-470	-395	-385	-375	-375	-375	-375
Strict Middling.....	-650	-570	-550	-505	-505	-495	-495	-495	-420	-410	-400	-400	-400	-400
Middling.....	-775	-690	-670	-625	-625	-625	-625	-625	-610	-610	-610	-610	-610	-610
Gray:														
Good Middling.....	-290	-220	-190	-130	-120	-110	-90	-70	-5	120	170	245	295	370
Strict Middling.....	-310	-240	-210	-150	-140	-130	-110	-90	-30	95	145	220	270	345
Middling.....	-430	-360	-330	-275	-270	-265	-255	-245	-195	-155	-130	-105	-80	-65

TABLE 2—LOAN RATES, BY STATES, FOR 1944 AMERICAN-EGYPTIAN COTTON
(Rates in cents per pound, net weight)

Grade	Staple length (inches)							
	1 $\frac{1}{8}$		1 $\frac{1}{4}$		1 $\frac{1}{2}$		1 $\frac{3}{4}$ and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1.....	39.25	39.50	40.70	40.95	42.85	43.10	44.45	44.70
1 $\frac{1}{2}$	38.20	38.45	39.70	39.95	41.85	42.10	43.40	43.65
2.....	37.15	37.40	38.65	38.90	40.80	41.05	42.35	42.60
2 $\frac{1}{2}$	36.10	36.35	37.60	37.85	39.70	39.95	41.35	41.60
3.....	34.05	34.30	35.50	35.75	37.60	37.85	39.15	39.40
3 $\frac{1}{2}$	29.55	29.80	31.75	32.00	34.35	34.60	34.50	34.75
4.....	24.70	24.95	27.95	28.20	30.85	31.10	30.95	31.20
4 $\frac{1}{2}$	20.10	20.35	23.40	23.65	26.70	26.95	26.70	26.95
5.....	17.65	17.90	20.60	20.85	23.60	23.85	23.60	23.85

TABLE 3.—LOAN RATES FOR 1944 SEA-ISLAND COTTON
(Rates in cents per pound, net weight)

Grade	Staple length (inches)				
	1 $\frac{1}{8}$	1 $\frac{1}{4}$	1 $\frac{1}{2}$	1 $\frac{3}{4}$	1 $\frac{1}{2}$ and longer
1.....	43	45	47	49	50
1 $\frac{1}{2}$	42	44	46	48	49
2.....	41	43	45	47	48
2 $\frac{1}{2}$	40	42	44	46	47
3.....	39	41	43	45	46
3 $\frac{1}{2}$	34	36	37	38	39
4.....	30	32	33	34	34
4 $\frac{1}{2}$	26	28	29	29	29
5.....	23	25	26	26	26

[F. R. Doc. 44-12558; Filed, August 19, 1944;
3:22 p. m.][1944 C. C. Hay and Pasture Seed
Form I—Instructions, Supp. 1]PART 254—1944 HAY AND PASTURE SEED
LOANSSPECIAL INSTRUCTIONS CONCERNING LOANS
ON FARM-STORED SUDAN GRASS SEED

Sudan grass seed produced in 1944, which complies with the provisions of the Instructions (1944 C.C.C. Hay and Pasture Seed Form I), will be eligible for a loan, in areas designated by the Agricultural Adjustment Agency, when stored on farms, as set forth herein. Certified sudan grass seed will be eligible only for a warehouse loan.

- Sec.
254.32 Eligible seed.
254.33 Eligible storage.
254.34 Quantity and quality determination.
254.35 Delivery of collateral.
254.36 Loan rate.
254.37 Storage allowance.
254.38 Service fee.
254.39 Availability and maturity.

Sec.
254.40 Insurance.
254.41 State and county committees of the Agricultural Adjustment Agency.
AUTHORITY: §§ 254.32 to 254.41, inclusive, are issued under 52 Stat. 43; 7 U. S. C., 1302; 58 Stat. 105.

§ 254.32 *Eligible seed.* Sudan grass seed produced in 1944, which complies with the provisions of these instructions and the instructions in 1944 C. C. Hay and Pasture Seed Form I, which is cleaned or can be cleaned to meet the specifications for weed and other crop seed, as shown in the schedule of loan rates, and which complies with the Federal Seed Law and the State Seed Law in the State where the seed is produced. However, in no event will a loan be made if the seed contains noxious weeds in excess of 45 seeds per pound of the following weeds: White Top, Canada Thistle, Dodder, Quackgrass, Johnson Grass, Bindweed, Russian Knapweed, Perennial Sow Thistle, or Leafy Spurge. The beneficial interest in the seed must be and must always have been in the person tendering the seed for a loan, and the person tendering the seed for a loan must have the legal right to obtain a loan upon the security of the seed.

§ 254.33 *Eligible storage.* Sudan grass seed must be stored in such manner and kind of building as to preserve the quality and quantity of seed that are stored therein.

§ 254.34 *Quantity and quality determination.* County committees of the Agricultural Adjustment Agency shall be responsible for determining the quantity and quality of seed stored in each bin on

each farm. They shall secure a representative sample for determination of quality. The sample shall be sent to a laboratory approved by the State committee of the Agricultural Adjustment Agency for analysis and germination test. The analysis shall show pure seed, other crop seed, weed seed, inert matter, and noxious weed seeds. The county committee shall secure measurements of the inside width, length (diameter if a round bin), and depth of seed stored in each bin. The quantity of seed shall be determined by multiplying the number of cubic feet in the bin times 30, times the percent of pure seed as determined by the analysis. The result will be the number of pounds of seed to be placed under loan. The producer requesting the loan shall pay the cost of the analysis and germination test.

§ 254.35 *Delivery of collateral.* Commodity Credit Corporation will accept delivery of all the seed in the bin or bins in which all or a portion of the seed therein is under loan. The producer will be given credit for the number of pounds so delivered at the loan rate applicable to the quality of seed delivered. If no loan rate has been established for the grade of seed delivered, the actual market value will be furnished by the regional director of Commodity Credit Corporation serving the area. The producer shall deliver such seed to the delivery point stated on the loan papers. On delivery the county committee of the Agricultural Adjustment Agency shall take a representative sample and submit it to a laboratory approved by the State committee of the Agricultural Adjustment Agency for analysis and germination test. Final settlement with each producer shall be made by multiplying the weight by the percent of pure seed and multiplying the product by the loan rate for the percent of germination of the seed delivered. Any deficiencies due the Commodity Credit Corporation will be deducted from any credits which may be due the producer from Commodity Credit Corporation.

§ 254.36 *Loan rate.* The loan rate per 100 pounds for thresher-run bulk farm-stored sudan grass seed shall be determined on a pure seed basis, according to the following:

Germination:	Rate
85 to 100 percent.....	\$5.00
80 to 85 percent.....	4.75
75 to 80 percent.....	4.50
70 to 75 percent.....	4.25

Seed of lower than 70 percent germination is not eligible for a loan.

§ 254.37 *Storage allowance.* A storage allowance of 10 cents per 100 pounds on the quantity of seed shown on the loan documents, less any amount owing the Corporation, will be paid borrowers if the seed is delivered to Commodity Credit Corporation after April 30, 1945, provided there has been no fraudulent representation by the producer, conversion of any part of the collateral, or the collateral has not been abandoned. The storage allowance will also be paid if, pursuant to demand by the Corporation for repayment of the loan, the sudan grass seed is delivered to the Corporation before April 30, 1945, provided the demand for repayment was not due to any fraudulent representation on the part of the borrower or was not made because the seed was damaged, threatened with damage, abandoned, or otherwise impaired.

§ 254.38 *Service fee.* A service fee of \$3.00 or 1 percent of the net amount of the loan, whichever is larger, will be collected by the county committee, in connection with each loan, to cover the expenses incurred in the operation of the program.

§ 254.39 *Availability and maturity.* Loans will be available after the 1944 harvest begins and through December 31, 1944. Loans will mature on demand, but not later than April 30, 1945.

§ 254.40 *Insurance.* Producers will not be required to insure seed pledged as collateral to a loan. Losses not occasioned by negligence on the part of the producer, will be assumed by the Corporation.

§ 254.41 *State and county committees of the Agricultural Adjustment Agency.* State and county committees shall be responsible for the administration of the program. The county committee in the county where the seed is produced shall be responsible for determining eligible producers, eligible seed, arranging for the analysis of the seed, filling out and completing loan papers, arranging for receiving the seed in the event it is delivered to Commodity Credit Corporation, and otherwise administering the program.

Dated: July 28, 1944.

J. B. HUTSON,
President.

[F. R. Doc. 44-12583; Filed, August 21, 1944;
11:22 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 963—HOPS GROWN IN THE STATES OF OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND THE PRODUCTS PRODUCED FROM SUCH HOPS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and

as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," it is hereby found and determined that the provisions of § 963.7, 963.8, 963.9, 963.10, 963.11, the last sentence in § 963.12 (a), and all of the provisions in § 963.12 (b) of the order regulating (1) the handling of hops grown in the States of Oregon, California, Washington, and Idaho and (2) the handling of hop products produced from such hops, effective September 1, 1942, pursuant to the provisions of the aforesaid act, obstruct or do not tend to effectuate the declared policy of the said act.

It is, therefore, ordered, That the provisions in § 963.7, 963.8, 963.9, 963.10, 963.11, the last sentence in 963.12 (a), and all of the provisions in § 963.12 (b) of the aforesaid order regulating (1) the handling of hops grown in the States of Oregon, California, Washington, and Idaho and (2) the handling of hop products produced from such hops be, and the same hereby are suspended, effective at 12:01 a. m., P. w. t., August 23, 1944.

It is further ordered, That the suspension of said provisions shall not (1) affect or waive any right, obligation, or liability which has arisen or which, prior to the time that the suspension becomes effective, may arise under the aforesaid provisions of the order, or (2) release or extinguish any violation of the said order which has occurred or which, prior to the time that the suspension becomes effective, may occur, or (3) affect or impair any right or remedy of the United States, the War Food Administrator, or any other person with respect to any such violation which has occurred or which, prior to the time that such suspension becomes effective, may occur.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 52 Stat. 215; 53 Stat. 704; 50 Stat. 85; 7 U.S.C. 1940 ed. 601 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued at Washington, D. C., this 18th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the
War Food Administrator.

[F. R. Doc. 44-12420; Filed, August 19, 1944;
11:15 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 4-5, Termination]

PART 1450—TOBACCO

ALLOCATION OF 1943 CROP BURLEY TOBACCO

War Food Order No. 4-5, 9 F.R. 4321, 4319 (formerly designated as Director Food Distribution Order No. 4-5 as issued by the Acting Director of Food Distribution on December 1, 1943, 8 F.R. 16315) is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., August 18, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 4-5, prior to the effective time hereof, all provisions of

such order in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding, with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 4, 8 F.R. 335, 11331, 9 F.R. 4321, 4319)

Issued this 17th day of August 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44-12476; Filed, August 18, 1944;
12:23 p. m.]

[WFO 4-7, Amdt. 1]

PART 1450—TOBACCO

1944 CROP FLUE-CURED TOBACCO

Pursuant to War Food Order No. 4 (8 F.R. 335) issued on January 7, 1943, as amended (8 F.R. 11331; 9 F.R. 4319, 4321), and to effectuate the purposes of such order, as amended, War Food Order No. 4-7 (9 F.R. 3231) issued on July 13, 1944, relative to the 1944 crop of flue-cured tobacco, is hereby amended as follows:

(1) By deleting therefrom the term "74 percent" in § 1450.7 (b) (2) of said order and inserting, in lieu thereof, the term "83.8 percent."

(2) By deleting therefrom the term "100 percent" in § 1450.7 (b) (4) of said order and inserting, in lieu thereof, the term "135 percent."

(3) By inserting after § 1450.7 (b) (10) the following additional paragraph:

(11) Flue-cured tobacco of the 1944 crop may, from time to time, be allocated by the Director for purchase by the Commodity Credit Corporation.

The provisions in this amendment shall become effective at 12:01 a. m., e. w. t., August 19, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 4-7 prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 4-7 in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14785; WFO 4, as amended, 8 F.R. 335, 11331, 9 F.R. 4321, 4319)

Issued this 17th day of August 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44-12477; Filed, August 18, 1944;
12:23 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDER

WAGE ADJUSTMENT; CLEANING AND DYING PLANTS, DENVER, COLO., AREA

The National War Labor Board under paragraph (d) of § 803.4 (General Order

No. 4) has approved the following exceptions to the exemption provided for in paragraph (a) of this order:

35. Cleaning and dyeing plants in the Denver, Colorado Metropolitan Area, consisting of the City and County of Denver, towns of Edgewater, Lakewood, Wheatbridge and Arvada, located in Jefferson County; the towns of Brighton and Aurora, located in Adams County; that part of the town of Aurora located in Arapahoe County; and the town of Littleton, located in Arapahoe County.

(E.O. 9250, 7 F.R. 7871)

Approved: August 15, 1944.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 44-12483; Filed, August 19, 1944;
9:58 a. m.]

PART 803—GENERAL ORDERS

WAGE AND SALARY ADJUSTMENTS OF CIVILIAN WAR DEPARTMENT EMPLOYEES IN HAWAII

The National War Labor Board has adopted the following new General Order 37:

§ 803.37 *Authorization to the War Department to pass on wage and salary adjustments of civilian employees in Hawaii.* The National War Labor Board hereby supplements General Order No. 36 by delegating to the Secretary of War, or to such agency as he may designate, subject to final review by the National War Labor Board, the authority to establish wage or salary schedules for civilian employees of the War Department in the various government-owned, government-operated installations located in the Territory of Hawaii, in accordance with the provisions of the Act of Congress of October 2, 1942, Executive Order 9250 dated October 3, 1942, Executive Order 9328 dated April 8, 1943, the Supplementary Directive of May 12, 1943 and all other Executive orders and regulations issued thereunder, subject to the following limitations:

(a) The June 6, 1944 level of wage and salary rates prevailing in army installations in the Territory of Hawaii shall be maintained in accordance with the directions subsequently set forth in this order.

(b) Exclusive of the Hawaiian Air Depot, the approval of any wage or salary schedules resulting from job reclassifications shall not cause an overall increase in the job rates as weighted by the number of employees in each job classification in all the establishments to which that schedule is applied, to exceed five percent.

(c) Wage rates to be established through job reclassifications for the Hawaiian Air Depot shall be in conformity with the schedules for other War Department installations established in the Territory.

(d) The rates for any new job classifications subsequently created in any War Department installation shall bear the proper relationship to the rates for immediately interrelated job classifications in that installation.

(E.O. 9250, 7 F.R. 7871)

Approved: August 3, 1944.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 44-12482; Filed, August 19, 1944;
9:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 903—DELEGATIONS OF AUTHORITY

[Directive 24, Interpretation 1 as
Amended Aug. 21, 1944]

HOUSING CONSTRUCTION COVERED BY THE SCHEDULES TO DIRECTIVE 24

The following interpretation is issued in respect to Directive 24:

Directive 24 describes the kind of action which the National Housing Agency and its constituent operating agencies (Federal Housing Administration, Federal Public Housing Authority, and Home Owners' Loan Corporation) can take with respect to housing construction. Schedules A and B to Directive 24 set forth what is meant by housing construction for this purpose. If the construction is covered by Directive 24, persons (other than government units) who want permission to build should make application to the Federal Housing Administration on Form WPB-2896. Local public housing authorities apply on Form WPB-2896 to the FHFA. If the construction is not covered by Directive 24, Order L-41 will explain how to get permission to do the building. Schedules A and B of Directive 24 merely tell what kind of construction is reviewed by the National Housing Agency. They do not define residential construction for any other purpose. For example, Conservation Order L-41 establishes a dollar limit of \$200 for residential construction which may be performed without permission. Schedules A and B have no bearing on the meaning of residential construction in L-41 for the purpose of determining the necessity for permission.

(a) *Room count and floor area.* Jurisdiction over hotel construction is determined by the number of rooms as provided in paragraph (c) of Schedule A. In cases of remodeling or additions, this room count should be applied to the completed structure and not to the structure before the remodeling or addition is made. Jurisdiction over new construction of structures which are partly commercial and partly residential depends on the percentage of floor area devoted to each use under paragraph (a) (3) of Schedule B. In cases of remodeling and additions, a change in the percentage of floor area devoted to living accommodations is sometimes involved. In such cases the determination of jurisdiction should be made on the basis of the floor area being remodeled or added, and should not be made on the basis of the floor area of the whole structure as it will be after completion of the remodeling or additions (see also paragraph (e) (2) (ii) of this Interpretation). Furthermore, if the remodeling or addition is wholly commercial, paragraph (h) of Schedule A applies; and if it is wholly residential, paragraph (a) (4) of Schedule B applies.

(b) *Farm housing.* As provided in paragraph (a) of Schedule A, farm housing is not

covered by Directive 24. Whether a project is farm housing or other residential construction is ordinarily determined by its location. A farm house is a structure built on the farm and used primarily for housing agricultural workers required in the operation of that farm. A farm is a place primarily used for raising crops, livestock, dairy products, poultry, etc., for the market. A suburban house with a victory garden is not a farm. Except in unusual cases a place of less than five acres will not be considered a farm. Housing built off a farm for the purpose of housing farm laborers would not be farm housing. Housing constructed on a farm for the purpose of housing nonfarm workers would likewise not be farm housing, since running the rooming house or apartment house would be a separate nonfarming enterprise.

(c) *Institutional housing.* As provided in paragraph (d) of Schedule A, institutional housing is not covered by Directive 24. Housing which is owned or operated by an institution (whether or not it is rented to the occupant) primarily for accommodating its personnel, is institutional housing. The term includes, for example, a house being built by a church for a parson, or housing owned or operated by a university for its professors or other employees.

(d) *Housing for petroleum operators.* (Paragraph (f) of Schedule A). Application shall be made to the Petroleum Administration for War under P-98-b for housing to be built on or immediately adjacent to a "lease" (land where petroleum resources are being explored, developed, or depleted), or on an oil pipe line in a remote area, either by the operator for occupancy by his employees or by an employee for his own occupancy. Applications must be filed under P-55-c for all other types of housing needed in the Petroleum industry, including housing for refineries and other plants, and for petroleum distribution outlets.

(e) *Commercial establishments.* In many cases commercial establishments and dwelling units are either part of the same structure or are separate buildings which are part of the same project. The general rule is that for a single project only one application need be filed. Paragraph (h) of Schedule A and paragraphs (a), (b) and (g) of Schedule B tell how to determine whether or not a project containing commercial establishments is essentially a housing project for which a WPB-2896 should be filed.

(1) *New project.* New construction in which more than 50% of the floor area of each structure provides dwelling accommodations is a housing project under paragraph (a) (3) of Schedule B. In addition separate commercial establishments to serve the housing project may be constructed under the housing authorization if they meet the conditions of paragraph (g) of Schedule B. One of the conditions set forth in subparagraph (1) states that the commercial establishments must be "an integral part of" the housing project. This means that the commercial establishments must be located at or adjacent to the site of the dwelling accommodations, must be owned by the owner of the dwelling accommodations and must be part of the project as approved or as amended, providing the amendment is made before the dwelling accommodations have been completed. The building of separate structures for commercial purposes as an addition to a completed residential project is not housing construction. (See paragraph (b) of Schedule B).

(2) *Existing structures.* If an existing structure is being altered by remodeling or making additions so that the building will, when complete, include dwelling accommodations and commercial establishments, the remodeling or addition is a housing project under the following conditions:

(1) When the proposed construction involves the creation of additional dwelling units only. It is a housing project whether

or not most of the floor area of the structure after remodeling is for commercial use. (See paragraph (a) (4) of Schedule B.) However, if the proposed construction involves only space to be used for commercial purposes the construction is not a housing project. (See paragraph (h) of Schedule A.)

(ii) If the addition or remodeling is partly for residential purposes and partly for commercial purposes the construction is a housing project only if more than 50% of the floor area of the addition or of the part of the structure being remodeled is to be used for dwelling accommodations. (See paragraph (h) of Schedule A and paragraph (a) (3) of Schedule B.)

(f) Accommodations for transient workers. Bunk houses and similar accommodations built by employers for transient workers such as train and engine crews who need living accommodations at division points and terminals during a lay-over period or for maintenance of way workers are housing construction covered by paragraph (a) (2) of Schedule B and not by paragraph (c) or (d) of Schedule A if the accommodations are intended for a fixed location. Trailers and other mobile housing units for transient workers are not housing construction and are covered by paragraph (e) of Schedule A.

(g) Repair. Preference ratings for maintenance and repair of houses are available under the provisions of CMP Reg. 5 or 9A, Order L-79, or other WPB Orders or Regulations. No applications for priorities assistance for maintenance and repair may be approved on Form WPB-2896 if other orders or regulations are adequate.

(1) CMP Reg. 9A provides repairmen with an allotment symbol and preference rating equivalent to the rating available under P-55-c for use in obtaining materials within the quantity limitations specified in the Regulation. However, if the applicant proposes to do his own work and cannot be considered as a person "in the business of making repairs", he is not entitled to use CMP Reg. 9A authorization.

(2) CMP Reg. 5 provides that a person managing property for profit may use an AA-5 rating to get materials for maintenance and repair. If the AA-5 rating is not sufficient to provide the needed materials, application should be made for a higher rating on Form WPB-541 as provided in CMP Regulation 5.

(3) Order L-79 authorizes repairs and replacements for plumbing and heating equipment subject to certain limitations.

(4) CMP Regs. 4 and 9 authorize warehouses and retailers to sell limited quantities of steel in the controlled material form and copper wire on unrated orders.

The National Housing Agency may consider applications on Form WPB-2896 for priorities assistance for maintenance and repair where (i) none of the above orders and regulations are sufficient to provide the needed materials and (ii) the maintenance and repair relates to housing covered by Schedule B of Directive 24.

Issued this 21st day of August 1944.

S. W. ANDERSON,
Program Vice Chairman.

[F. R. Doc. 44-12584; Filed, August 21, 1944;
11:31 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41, as Amended
Aug. 19, 1944]

§ 1075.1 Conservation Order L-41—(a) What this order does. This order limits construction. It is necessary in order to conserve materials, construction equipment, labor and transportation. In most cases, except where the construction is of a special kind, you must get permission from the War Production Board for construction. This permission (sometimes called "authorization to begin construction") must not be confused with preference ratings or priorities. If a construction job is allowed, either because it is not of the kind restricted by this order or because permission has been obtained, it may still be necessary to get preference ratings for the materials and fixtures which are needed. On the other hand, if you have ratings for materials, or materials on hand, you may still have to get permission to use them for a particular construction job.

(b) What is meant by construction. Construction covered by this order includes putting up or altering any sort of a structure, including a building, road, bridge, dam, sewer, and similar jobs; also the installing of equipment or fixtures. Certain special kinds of construction are excepted, as explained in paragraphs (c) and (d) below.

(c) How much construction is allowed without getting permission. You need not get permission under this order for construction which does not total more than the limits shown in the following list for all jobs begun in the same year. For an explanation of how to figure "cost," see paragraph (i). If a utility connection (electric, gas, water or central steam heating) will be required, it may be necessary to get War Production Board approval for the connection. If so, approval for the connection must be obtained before beginning construction, even if the cost of construction comes within the limits. The limits for all jobs begun in the same year are as follows:

(1) \$200 for a house, including the entire residential property.

(2) \$1,000 for a farm including the farm houses. However not more than \$200 of this sum may be spent on any farm house on the farm. A "farm" means a place used primarily for raising crops, livestock, dairy products, poultry, etc., for the market.

(3) \$1,000 for a hotel, apartment building or other residences for six or more families. Any residence for five or less families is considered a house under (1) above.

(4) \$200 for an office, bank, store, laundry, garage, restaurant, or other retail service establishment, except that the limit is \$1,000 for a unit containing more than five establishments of this kind.

(5) \$1,000 for a church, hospital, school, college, U. S. O. Club, public playground for children, or for a publicly owned building or group of buildings used for public purposes.

(6) \$1,000 for a bridge, overpass, underpass, tunnel, dock, pier, airport, bus terminal, truck terminal operated by a common or contract carrier by truck, or for a railroad or street railway building or group of buildings.

(7) \$1,000 for an irrigation or drainage system serving more than one farm.

(8) \$1,000 for a building or group of buildings which will be used for warehouse or for off-farm storage purposes, except that the limit is \$200 for a frozen food locker plant.

(9) \$1,000 for all monuments and structures on the same cemetery lot or for all cemetery buildings or structures in the same cemetery.

(10) \$1,000 for a military exchange situated on a reservation of the Army or Navy.

(11) \$1,000 for a building or a group of buildings which will be used directly in furnishing electric, gas, water or central steam heating utility services and which will be owned by a utility producer as defined in Order U-1, or which will be used directly in furnishing wire communications services, and which will be owned by an operator as defined in Orders U-3 and U-4, or which will be used directly for a sewage system and owned by a sewage system operator as defined in Order P-141.

(12) \$5,000 for a factory, plant or other industrial unit which is used for the manufacture, processing or assembling of any goods, except that the limit is \$200 if the goods are listed on Schedule A at the end of this order or if the productive floor area of the unit upon completion of construction is less than 10,000 square feet.

(13) \$200 for any other kind of construction.

(d) Special kinds of construction which do not require permission. It is not necessary to get War Production Board permission under this order for the following kinds of construction, and the cost of such construction need not be charged against the cost limits stated in paragraph (c).

(1) Maintenance and repair; that is, work necessary to keep a building or structure in sound working condition or fix it when it has become unsafe or unfit for service because of wear and tear; also the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by fire, flood, tornado, earthquake, acts of war, or the like. Changes in material are permitted in doing maintenance and repair work. Additions, structural alterations, or the completion of unfinished parts of buildings are not considered maintenance and repair. Rebuilding or restoring after damage caused by fire, flood, tornado, earthquake, acts of war, or the like, is not permitted as maintenance and repair, but is permitted in some cases as explained below.

(2) The rebuilding or restoring of a house (including a farm house) or other residential building damaged or destroyed after July 1, 1943, by fire, flood, tornado, earthquake, acts of war, or the like, if the cost of rebuilding or restoring is less than \$5,000.

(3) The rebuilding or restoring of farm buildings damaged or destroyed by fire, flood, tornado, earthquake, acts of war, or the like, if the cost of rebuilding or restoring is less than \$5,000, where the immediate reconstruction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(4) The rebuilding or restoring of a building or structure damaged or destroyed by disaster, where the Red Cross has been given priority assistance to restore the disaster area, and where the rebuilding or restoring has been determined by the Red Cross to be essential.

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

(5) Construction necessary to prevent threatened loss of farm products, where immediate construction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(6) Construction owned by the United States Army, Navy, Maritime Commission, War Shipping Administration, Coast Guard, Marine Corps, Civil Aeronautics Authority, Coast and Geodetic Survey, or Panama Canal.

(7) Insulating existing buildings with materials such as storm windows and doors, pipe covering, loose fill, blanket or bat insulation, plain or granule surfaced rigid insulation and weather stripping. Also the application of masonry veneer to existing houses. (This paragraph does not exempt the use of the above materials for any purpose other than the insulation of an existing building against exterior cold or heat without change in the function of the building. It does not apply to the use of insulation materials in the original construction of a building or in the conversion of a building from one purpose to another, or to the use of insulation materials to make an alteration to a building.) Also the installation of heating and combustion equipment designed for effecting fuel conservation where the total cost of the installation including the cost of the equipment does not exceed \$25,000 and where the cost of installation excluding the cost of equipment does not exceed \$5,000.

(8) [Deleted Mar. 7, 1944]

(9) Grading, ditch-digging or similar earth-moving operations, if no cement, lumber or other building materials are used, except clay tile and non-reinforced concrete pipe.

(10) Various kinds of construction connected with farms, public roads, railroad tracks, utilities, mines, smelters, wells, the petroleum industry, the lumber industry, the chemical industry, steel mills, broadcasting facilities, laboratories, and civilian aircraft facilities as described in Schedule B.

(11) A construction job which began before this order originally became effective (April 9, 1942), or at a time when the job was not limited by this order, and has gone on without interruption.

(12) Construction jobs which are classed as minor capital additions under CMP Regulation No. 5 or under CMP Regulation No. 5A. This exception applies only to:

(i) Additions to factories, plants and other industrial units which will have a productive floor area of 10,000 square feet or more, and which are for the manufacturing, processing or assembling of goods which are not listed in Schedule A.

(ii) Hospitals.

(e) All other construction forbidden without WPB permission. No person shall do any construction which has not been permitted by the War Production Board, unless it is of a kind described in paragraph (c) or (d) above. This prohibition applies to a person who does his own construction work, to one who gets a contractor to do it for him, and to any contractor or subcontractor who works on the job or gets others to work on it. It also applies to any supplier who furnishes material for the job if he

knows or has reason to know that the construction has not been permitted.

(f) *How to apply for permission.* (1) Schedule C at the end of this order shows the various types of application forms, and where they should be filed.

(2) In case of emergency, application may be made by wire or in person instead of on a printed form. It must be made to the office in which a written application for the same construction should be filed. The following information must be given:

(i) Cause of the emergency (fire, flood, etc.).

(ii) What the building or structure is used for.

(iii) Type of construction.

(iv) Why immediate construction is necessary.

(v) Estimated cost of construction.

(g) *Preference rating includes permission in some cases only.* There are some forms of preference rating orders and certificates which are issued or have been issued for special kinds of construction and which include permission for construction although they do not say so. These are listed in Schedule D at the end of this order. In all other cases, a preference rating is not enough, unless the instrument which assigns the rating also states that construction is permitted under this order.

(h) *Other restrictions on use of some items.* Permission for construction or the exception of any construction from this order does not relieve any one from complying with the various WPB orders or directives which restrict the use of copper and other scarce materials or fixtures. If you do not know about these restrictions, consult the nearest War Production Board District Office.

(i) *How to figure cost.* (1) For the purpose of determining whether a construction job may be started without getting permission from the War Production Board, "cost" means the cost of the whole construction job as estimated at the time of beginning construction, except that the cost of used material or used fixtures may be disregarded.

(2) If any materials or fixtures which have not been used are obtained without buying them, their value must be included as part of the cost.

(3) [Deleted Aug. 19, 1944]

(4) The cost of labor must be included, but if labor is unpaid its value need not be included. Contractors' fees also must be included but architects' and engineers' fees need not be.

(5) All construction on the same unit must be included. The word "unit" means any group of buildings or structures (including roadways, pipelines, etc.) which are situated near to each other, and which serve the same general purpose, or closely related purposes. For example, each of the following is a unit: a house, together with a detached garage, tennis court, swimming pool, etc.; a farm, including the farm house, barn, hen house, dairy, etc.; a manufacturing plant with a number of buildings used for the same or different processes, together with administration buildings, cafeterias, etc. In no case may a single building or structure be treated as more than one unit.

(6) The cost per year must be determined on a calendar year basis, beginning with January 1, 1943, except that a company which regularly keeps its books on a fiscal year basis may use the fiscal year.

(j) *Penalties for violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

This schedule is referred to in paragraphs (c) (12) and (d) (12). In the case of a unit principally designed for the manufacture, processing or assembling of any of the following articles, the cost limit is \$200 in any one year without getting permission:

(i) Athletic supplies, sporting goods, or toys or games.

(ii) Beverages, except milk.

(iii) Books, magazines, newspapers, greeting cards, or other printed or engraved matter.

(iv) Candy or chewing gum.

(v) Cigars, cigarettes, smoking or chewing tobacco or snuff.

(vi) Jewelry, watches, luggage, brushes, razors, pipes, and like articles for personal use or adornment.

(vii) Furniture, store fixtures, barroom fixtures, bowling alleys and the like.

(viii) Silverware, woodenware, household electrical appliances, draperies, rugs, and all other household appliances and equipment, but not including china and glassware.

(ix) Musical instruments.

(x) Stationery or office supplies.

(xi) Toiletries or cosmetic products.

(xii) Wearing apparel of every sort, except for the Army or Navy and their auxiliaries, and except safety equipment or safety clothing as defined in Order L-114.

SCHEDULE B

Permission under this order is not necessary for the following kinds of construction which are referred to generally in paragraph (d) (10).

1. Construction of structures which are to be used directly in the discovery, development or depletion of mineral deposits; also maintenance work, repairs and minor capital additions given priorities assistance under order P-56 (relating to mines and smelters).

2. Construction which is regulated by any petroleum administrative order or other order issued or administered by the Petroleum Administration for War (construction of this kind is permitted only to the extent authorized by the applicable petroleum administrative order or other order).

3. Construction of facilities (other than buildings) which will be used directly in furnishing wire communications services, and which will be owned by an operator as defined in Orders U-3 and U-4.

4. Laying of railroad tracks, together with the construction of necessary railroad operating facilities; also the construction of tunnels, overpasses, underpasses or bridges where

the cost of those materials to be incorporated in the project which will be acquired under P-142 or will be withdrawn from inventory materials acquired with priorities assistance (excluding the cost of other materials and excluding the labor cost) is \$2,500 or less. The above types of construction are controlled by P-142. The construction of tunnels, overpasses, underpasses or bridges where the cost of the materials acquired as stated above is more than \$2,500 and the construction of railroad stations, warehouses, loading platforms and other similar structures are not excepted by this paragraph.

5. Construction of facilities (other than buildings) which will be used directly in furnishing electric, gas, water, or central steam heating utility services and which will be owned by a utility producer as defined in Order U-1.

6. Construction of facilities (other than buildings) which will be used directly for a sewerage system and will be owned by a sewerage system "operator" as defined in Order P-141.

7. Installation or erection of rationed farm machinery, or mechanical equipment, which has been obtained on a purchase certificate issued by a County Farm Rationing Committee under Food Production Order 14 of the War Food Administration, or of wire fencing which has been obtained on P.R. 19 certification, also the erection of farm sheds which have been manufactured by a producer as defined in Order L-257.

8. Drilling and casing of water wells, but excluding any use of pipe to conduct water on the surface.

9. Use by any logger or lumber manufacturer of lumber, nails, gravel, or clay products in construction needed to change the site of logging or lumbering operations.

10. Construction which is given priorities assistance under Order P-69 (relating to facilities for the manufacture of chemicals).

11. Construction which is given priorities assistance under Order P-68 (relating to facilities for the manufacture of steel).

12. Rearrangement or expansion of facilities and equipment, other than buildings, by an international point-to-point radio communication carrier to the extent that priorities assistance is granted under P-133 for such work.

13. Construction which is given priorities assistance under paragraph (c) (2) of Order P-43 (relating to laboratories).

14. Construction of public highways and public streets owned by a Government Agency (construction of this kind is controlled by Order L-41-e).

15. Construction which is given priorities assistance under P-47 (relating to civilian aircraft facilities).

SCHEDULE C

NOTE: Schedule C amended Aug. 19, 1944.

Application forms to be used in obtaining permission to begin construction under L-41 and where to file them, unless otherwise instructed. These forms are to be used whether or not priorities assistance or controlled material allotments are required.

Types of construction	Application form	Where filed
Farm construction, including farm dwellings.....	WPB-617 (formerly PD-200).	County Agricultural Conservation Committee having jurisdiction over the site.
Housing covered by W. P. B. Directive 24.....	WPB-253 (formerly PD-109).	FHA Field Office having jurisdiction over the site.
Public roads.....	PR 1 PA.....	State Highway Department having jurisdiction over the site.
Buildings used directly in furnishing electric, gas, water, central steam heating, or wire communications services to the public.	WPB-274.....	WPB, Washington, D. C.
All other construction restricted under L-41.....	WPB-617 (formerly PD-200).	Consult instruction form WPB-617.

NOTE: The application forms specified in Schedule C have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SCHEDULE D

NOTE: Schedule D amended Aug. 19, 1944.

The following preference rating orders or certificates are referred to in paragraph (g). If you have received or are entitled to use one of these orders or certificates for your construction, the construction is permitted by the WPB:

P-19-h..... Relating to projects important to the war effort or essential civilian needs.
CMPL-224.....
GA-1456.....
P-55-c..... Housing.
WPB-2774..... Relating to utility facilities.

WPB-542..... Relating to command construction and certain other construction carried on under the supervision of the Armed Services.
PD-3A.....
CMPL-593.....
Navy (Army).....

P-14-a.....
P-14-b.....
P-19.....
P-19-a.....
P-19-d..... These orders and certificates are no longer used, but jobs which were authorized by them may go on.
P-19-e.....
P-19-g.....
P-19-i.....
P-41.....
P-55-b.....
P-55-amended.....
P-110.....
PD-3.....
CMPL-127.....

INTERPRETATION 4

PORTABLE STRUCTURES ON SITES

The erection of a portable or pre-fabricated building is construction and, consequently, is limited by Order L-41 whenever the building is either placed on a foundation constructed on the site or is placed on slides in a spot where it is intended to remain for an undetermined time. The only case in which the erection of a portable or pre-fabricated building is not "construction", is when it is placed on what is intended to be a temporary site with the purpose of moving it from time to time and without affixing it to the land by plumbing, public utilities connection, or in any other way. For example, the erection of a portable structure for use as a garage on a house lot is generally construction, but the erection of a shelter to be moved around for use on different parts of a farm from time to time is not construction. (Issued Mar. 24, 1944.)

INTERPRETATION 5

DISTINCTION BETWEEN RESIDENTIAL AND FARM CONSTRUCTION

Under the terms of paragraph (c) (1) of L-41 not more than \$200 may be spent on a house, including the entire residential property, over a year's period. Under paragraph (c) (2) of that order not more than \$1,000 may be spent on a farm, "including the farm houses," and no more than \$200 on any farm house on the farm. A property is not necessarily a "farm" because farm products are produced on it but only if it is used primarily for the raising of crops, livestock, dairy products, poultry, etc., for the market. (Issued April 19, 1944.)

INTERPRETATION 6

MAINTENANCE AND REPAIR OF SIDINGS

Paragraph (d) (1) of L-41 excepts maintenance and repair work necessary to keep a building or structure in sound working condition. If an existing siding or roof needs repair, the minimum amount of repair work may be done to put the siding or roof in suitable condition. Thus if a siding can be put in proper condition by putting on paint it should be done in this way. If, on the other hand, the siding has so deteriorated that a paint job will not provide adequate protection a new siding may be put on the building. The new siding need not be of the same material as the old siding. This interpretation is not applicable where asbestos materials are used for re-siding or re-roofing as the use of these materials is governed by Order L-41-d. (Issued Apr. 4, 1944.)

INTERPRETATION 7

USE OF INSULATING MATERIALS

Paragraph (d) (7) of Conservation Order L-41 provides that it is not necessary to get War Production Board permission under that order for "insulating buildings" with certain materials. The exception applies only to the insulation of existing buildings. It does not apply to the use of these materials in the original construction of a building, nor does it apply to the use of materials for other purposes than insulating buildings; for example, making alterations to a building or converting the building from one purpose to another. The cost of new insulating materials used in building a new building or in making alterations to an old building or converting an old building from one use to another must be included in the cost of the job.

For example, if rigid insulating material is used for partitions to make a new room, the cost of the insulating material must be included in the cost of the job, as this use of insulating material is not insulating a building. If an existing building is being converted from a store to a frozen food locker plant, the cost of the insulation materials installed must be included as part of the cost of conversion, as these materials are being used to convert a store to a locker plant, not to insulate a store. (Issued May 23, 1944.)

INTERPRETATION 1

[Superseded by L-41, as amended November 1, 1943, which incorporates the substance of the interpretation.]

INTERPRETATION 2

Conservation Order L-41 (§ 1075.1) does not apply to the construction or erection of temporary motion picture sets of a kind which may be stored between the taking of pictures, nor to the incorporation of such temporary sets into permanent sets for the taking of a single motion picture. However it does apply to the construction of permanent outdoor motion picture sets and foundations for sets of a kind which are designed for use in more than a single picture at one location. (Issued Nov. 13, 1943.)

INTERPRETATION 3

EARTH-MOVING OPERATIONS

Under the provisions of paragraph (d) § 1075.1 Conservation Order L-41 it is not necessary to get War Production Board permission for construction of a kind consisting of "grading, ditch-digging or similar earth-moving operations if no cement, lumber or other building materials are used except clay tile and non-reinforced concrete pipe." This applies only to projects which can be completed without the use of any other materials. It does not apply to earth-moving operations which are part of a construction job in which other materials will be incorporated before completion. (Issued Nov. 23, 1943.)

INTERPRETATION 9

INSTALLATION OF EQUIPMENT AND FIXTURES

Paragraph (b) of L-41 describes the kind of work which is covered by the order under the term construction. It specifically states that "the installing of equipment or fixtures" is construction and is covered by L-41.

This means that if a piece of equipment or a fixture is attached to a building and used as a part of the building, or if a piece of equipment or a fixture is so firmly attached to the building that removal would result in material injury to the building or the fixture, construction under L-41 is involved and the limitations of L-41 apply.

The following kinds of installations are construction under L-41:

The installation of any piece of equipment or fixture which is attached to the plumbing system of a building; the installation of any piece of equipment or fixture which involves putting new wiring in a building; the installation of any piece of equipment or fixture for which a base or foundation must be built; the installation of any piece of equipment or fixture cemented to a floor or wall of a building; the installation of a furnace or stoker connected by pipes or flues or wiring to the building.

The following kinds of installations are not construction under L-41:

The installation of a counter, table or booth which is attached to the building only by nails or screws and which can be removed as a unit and will only make it necessary to fill up the holes left by the nails or screws (however, if the counter contains equipment which is attached to the plumbing system, construction is involved); the installation of a piece of equipment or fixture which requires only making a connection to an existing wiring outlet (if new wires must be run or a new outlet built into the wall or ceiling, construction is involved).

These examples illustrate the general principles. In case of doubt as to a particular installation, consult the nearest WPB office or file an application for permission to do the work, if the cost of the work plus the cost of other construction already done on the building during the calendar year exceeds the allowance given under the applicable paragraph of section (c) of L-41. [Issued July 7, 1944.]

DIRECTION 1

[Superseded by Schedule C as amended, which gives instructions for filing applications]

DIRECTION 3

BLANKET PERMISSION FOR MISCELLANEOUS CONSTRUCTION

(a) The War Production Board has been issuing blanket authorizations to applicants permitting them to carry on miscellaneous construction over a fixed period. Instructions as to how to apply for blanket authorizations have been described in WPB-43 (formerly PDL-362). The need for blanket authorizations has been largely eliminated by the recent transfer of processing of small construction applications to the Field offices, by the simplification of War Production Board procedures under Direction 1 to CMP 6, and by the exception of certain types of minor capital additions under paragraph (d) (12) of L-41. For this reason blanket authorizations will no longer be issued generally but only in cases where it appears that the filing of individual project applications will interfere with the war effort or cause extreme hardship.

(b) In these circumstances applications for blanket authorization may be made on form WPB-617. Separate applications must be made for each "unit" as defined in paragraph (1) (5) of L-41. The applicant will prepare his application in the same way he would prepare an application to do a single job and in accordance with the instructions to form WPB-617. The need for a blanket authorization must be firmly established.

(c) Blanket authorizations will permit the builder to do miscellaneous routine construction but no materials may be acquired or used contrary to the limitations which will be made a part of the authorization. In the case of equipment items which must be listed on the application, the builder may use only those which are specifically approved. The use of such items or deviations from the Construction Limitations will be approved only in exceptional cases. The applicant will be permitted to use the allotment symbol F-6 and the rating assigned for the procurement of material. While the blanket authorization will cover a number of jobs, no one job costing more than \$10,000 will be authorized, and in certain cases a lower cost limit per job may be fixed. No reports of materials used will be required. No job for which tax amortization privileges will be requested may be included in a blanket application. A separate application should be filed for each such job at the time the request for tax amortization is made.

(d) This direction supersedes WPB-43 (formerly PDL-362). [Issued April 19, 1944.]

DIRECTION 4

PRISONER OF WAR HOUSING

It is not necessary to get War Production Board permission under Order L-41 to construct facilities to house prisoners of war assigned by the Army to the builder if priorities assistance for the construction has been granted on Form CMPI-593 Navy (Army), pursuant to Direction 3 to CMP Regulation 6 and WPB Directive 31. [Issued July 18, 1944.]

[F. R. Doc. 44-12509; Filed, August 19, 1944; 11:33 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41, Revocation of Interpretation 8]

INSTALLATION OF PROCESSING MACHINERY

Interpretation 8 to L-41, issued July 7, 1944, is superseded by paragraph (a) of Direction 2 to L-41 as amended August 19, 1944 which incorporates the substance of the interpretation.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12510; Filed, August 19, 1944; 11:33 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41, Interpretation 10]

INSTALLATION OF MACHINERY AND EQUIPMENT RATED ON WPB-541 AND WPB-542

The following interpretation is issued with respect to Conservation Order L-41:

Interpretation 9 to L-41 explains the circumstances under which an installation of a piece of equipment is restricted by L-41. If the installation of a piece of equipment is restricted by L-41 and is not within the appropriate exemption allowed by paragraph (c) of L-41 and not permitted under Direction 2 to L-41, permission under L-41 to make the installation must be obtained even though the machinery has been rated on Form WPB-541 or Form WPB-542. The reference to WPB-542, PD-3A and CMPI-593 Navy (Army) in Schedule D of L-41 applies only to those forms when used for command construction, Engineers Corps construction, Panama Canal construction, and CAA construction, as defined in paragraphs (c) (3), (4), (5), (6) of WPB Directive 31, when carried on under the supervision of the Armed Services. Paragraph (d) (8) of L-41 also exempts certain construction for which these forms may have been issued.

ried on under the supervision of the Armed Services. Paragraph (d) (8) of L-41 also exempts certain construction for which these forms may have been issued.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12511; Filed, August 19, 1944; 11:33 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41, Direction 2 as Amended Aug. 19, 1944]

INSTALLATION OR RELOCATION OF MACHINERY AND EQUIPMENT

The following direction is issued pursuant to Conservation Order L-41:

(a) Installation. It is not necessary to get War Production Board permission under Order L-41 to install a single piece or a group of related pieces of (i) processing machinery or equipment (including used equipment) or (ii) machinery or equipment specifically rated or authorized by the War Production Board on a special form (including WPB-541 and WPB-542); including the building alterations necessary for the installation, if:

(1) The cost of the entire installation including the cost or value of the machinery and equipment does not exceed \$25,000, and

(2) The cost of the installation excluding the cost of the equipment does not exceed \$5,000, and

(3) No new buildings or additions to existing buildings are constructed.

The term "processing machinery or equipment" as used in this paragraph means machinery or equipment which is directly used in the manufacture, processing, or assembling of a product. It does not include such equipment as plumbing, heating, or air-conditioning equipment which is not used directly in the manufacture, processing, or assembling of the product.

If the installation of a single piece or a group of related pieces of processing machinery or equipment satisfies the requirements of this paragraph (a), the installation may be made, even if the machinery was previously installed in the same plant or another plant belonging to the same owner.

(b) Relocation. It is not necessary to get War Production Board permission under Order L-41 to relocate in a factory, plant, or other industrial unit, any piece or any group of related pieces of machinery or equipment (whether used for processing or not) if each piece of machinery or equipment has previously been used in the same plant and if the materials needed to relocate each piece do not cost more than \$500 and if no building alterations are required by the relocation other than installing piping and wiring and constructing foundations for the relocated equipment. If a group of related machines is to be relocated and installation materials costing more than \$500 are needed to install any one of the machines, this paragraph does not permit the installation of any of the group of machines (they may, however, be installed under paragraph (a) if they satisfy the requirements of that paragraph). Under this paragraph the value of the

machinery or equipment being relocated does not matter. This paragraph does not give a person the right to install a piece of machinery or equipment (whether new or second-hand) which he is installing in his plant for the first time, as distinct from relocating machinery or equipment previously used in the same plant."

(c) *Applications.* Where permission to install or relocate machinery is required by Order L-41, application for such permission should be made on the appropriate form indicated on Schedule C of Order L-41. Also, such form should be used in applying for priorities assistance to buy installation materials where they cannot be bought under Direction 15 to CMP Regulation No. 5 or other order or regulation giving blanket MRO ratings for this purpose, even if permission to install or relocate is not required by Order L-41.

(d) This direction does not apply to the installation or relocation of machinery or equipment:

(1) For use in the future manufacture of items which at the time of installation is prohibited by an outstanding order of the War Production Board.

(2) In connection with construction of a kind which is limited by Order L-41. If permission under Order L-41 is required for the job the materials to install any equipment to be installed as part of the job must be obtained under the project authorization.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12512; Filed, August 19, 1944;
11:33 a. m.]

PART 1288—POWER, STEAM, AND WATER AUXILIARY EQUIPMENT

[Limitation Order L-154, Revocation of
Schedule VI]

AUXILIARY EQUIPMENT AND APPURTENANCES FOR STEAM TURBINES FOR LAND USE

Section 1288.7 *Schedule VI to Limitation Order L-154*, is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture, delivery and installation of steam turbines for land use remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12528; Filed, August 19, 1944;
11:29 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 15, as Amended, Aug.
19, 1944]

USE OF MRO SYMBOL AND RATING TO BUY INSTALLATION MATERIALS WHERE AUTHORIZATION TO CONSTRUCT IS NOT REQUIRED UNDER L-41

The following direction is issued pursuant to CMP Regulation 5:

(a) *Installing or relocating machinery or equipment.* Any person engaged in a business listed on Schedule I or Schedule II of

CMP Regulation 5 or assigned a rating by Direction 21 to CMP Regulation 6 may use the MRO symbol and rating assigned to him for maintenance, repair, and operating supplies by the Regulation to get materials to install or relocate equipment under the following conditions: (1) Where construction (as defined in Order L-41) is involved, he may get materials needed for the installation or relocation of machinery or equipment which Direction 2 to L-41 permits him to install or relocate without getting an authorization under that order. (2) Where construction is not involved, he may get up to \$500 worth of materials needed to install any piece of machinery or equipment specifically rated or authorized by the War Production Board on a special form (such as WFB-541, WFB-1319, etc.).

(b) Deleted Aug. 19, 1944.

(c) *MRO quota need not be charged.* A person buying installation materials under this direction need not charge the amount he spends for them against his MRO quota under paragraph (f) of the regulation.

(d) *Relation to minor capital addition provision of CMP Regulation No. 5.* The purchase of installation materials under this direction is not affected by the restrictions on purchases of minor capital additions under paragraph (b) (3) of CMP Regulation No. 5. This direction applies only in cases where machinery or equipment which is installed or relocated is acquired without using the MRO rating for a minor capital addition under paragraph (b) (3) of the regulation. Under this direction, it does not matter whether the machinery or equipment costs more than \$500. However, if machinery or equipment is acquired with the MRO rating under paragraph (b) (3) of the regulation, installation materials are considered part of the same capital addition, in which case the total must not exceed \$500 and the cost of the installation materials as well as cost of the machinery or equipment must be charged to the MRO quota.

(e) *Applications.* Where permission to install or relocate machinery is required by Order L-41, application for such permission should be made on the appropriate form indicated on Schedule C of Order L-41. Also, such form should be used in applying for priorities assistance to buy installation materials where they cannot be bought under this direction, even if permission to install or relocate is not required by Order L-41.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12529; Filed, August 19, 1944;
11:30 a. m.]

PART 3281—PULP AND PAPER

[Limitation Order L-120, Amdt. 1 to Schedule XV]

GROUNDWOOD PAPER

Section 3281.31 *Schedule XV to Limitation Order L-120* is hereby amended in the following respects:

In the appendix to this schedule under the caption "Carbonizing" amend paragraph (a) (2) to read as follows:

2. *Standard colors:* White, Magenta, Canary, Shell and Nile.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12530; Filed, August 19, 1944;
11:29 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 14]

ADVANCED ALLOTMENTS TO CONSUMERS OF HARDWOOD LUMBER

The following direction is issued pursuant to L-335:

(a) *What this direction does.* This direction permits Class I Consumers using hardwood lumber to receive a part of their fourth quarter requirements in the third quarter.

(b) *Receipts of hardwoods in advance of fourth quarter.* A Class I Consumer who has placed orders for all of the lumber that he has been authorized to receive in the third quarter and wishes to receive a part of his fourth quarter requirements in the third quarter of 1944 may order and receive in the third quarter over and above his third quarter authorization (whichever is the larger amount) either (1) an amount of hardwood lumber equal to 20 percent of the amount of hardwood lumber that he ordered for delivery in the third quarter prior to August 15, 1944; or (2) an amount of hardwood lumber equal to 20 percent of the hardwood lumber that he reported he held in inventory at the time he filed application on Form WFB-3640 for authority to receive lumber in the fourth quarter. For this purpose he must not use the inventory reported in his 3640 application which he filed for authority to receive lumber in the third quarter. For example, a manufacturer of farm machinery has been authorized on Form WFB-3640 to receive 80,000 board feet of lumber in the third quarter of 1944. Prior to August 15, 1944 he placed orders for 40,000 board feet of hardwood lumber and 40,000 board feet of softwood lumber for delivery in the third quarter. When he filed his fourth quarter application he showed an inventory of 60,000 board feet of hardwood lumber and 20,000 board feet of softwood lumber. Under this direction the manufacturer may place orders for the delivery of an additional 12,000 board feet of lumber in the third quarter of 1944—this being 20 percent of the hardwood inventory as shown in the fourth quarter application. If, prior to August 15, 1944 he had placed orders for the delivery of 70,000 board feet of hardwood lumber he would have been able to order and receive in the third quarter 20 percent of 70,000.

(c) *Receipts of hardwood lumber under this direction to be charged against amounts authorized for fourth quarter.* Any hardwood lumber that a Class I Consumer receives under this direction must be charged against the amount of lumber that he will be authorized to receive in the fourth quarter of 1944. For instance, if a Class I Consumer under this direction orders and receives 100,000 board feet of hardwood lumber in the third quarter and he is authorized on Form WFB-3640 to receive 400,000 feet of lumber in the fourth quarter of 1944 he may receive in the fourth quarter only 300,000 board feet.

(d) *Certification and ratings to be used on orders.* A Class I Consumer placing an order for the delivery of hardwood lumber under this direction will use the same certifications and ratings that he would have used had he been authorized to receive this lumber on Form WFB-3640.

(e) *This direction does not permit receipts of softwood.* No person may purchase or receive any softwood under the provisions of this direction.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12532; Filed, August 19, 1944;
11:30 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[General Limitation Order L-6, as Amended
Aug. 19, 1944]

DOMESTIC LAUNDRY EQUIPMENT

§ 3291.25 *General Limitation Order L-6—(a) Definitions.* For the purposes of this order:

(1) "Domestic laundry equipment" means any of the following designed primarily for home use: (i) Washing machines, (ii) ironing machines, and (iii) warm air clothes driers, whether operated by gas, electricity or any other means.

(2) "Manufacturer" means any person engaged in the production or assembly of domestic laundry equipment or parts for domestic laundry equipment.

(3) "Special order" means any order for domestic laundry equipment stating on its face that the equipment is for shipboard use, or any order which is to be delivered to or for the account of the Army, Navy, United States, Maritime Commission or War Shipping Administration. It also means any order for domestic laundry equipment to be delivered to or for the account of Army or Marine Corps Post Exchanges, Navy or Coast Guard Ships Service Departments and War Shipping Administration Training Organization Ships' Service activities, when the equipment purchased is not to be resold by those exchanges, departments or activities.

(b) *Restrictions on production and delivery of domestic laundry equipment.* (1) No manufacturer shall produce or assemble any domestic laundry equipment except as authorized by the War Production Board in response to an application by letter which should be filed in duplicate.

(2) The War Production Board will usually not approve production of any domestic laundry equipment except washing machines from fabricated parts in manufacturers' inventories prior to January 1, 1943, and will approve this production or assembly only in such quantities as shall be determined to fill special orders. Upon request, the War Production Board will inform any manufacturer of the production authorized.

(3) No manufacturer shall deliver any new domestic laundry equipment except as authorized by the War Production Board in writing to fill special orders. This restriction does not apply to ironing machines.

(c) *Restrictions on production of parts.* (1) No manufacturer shall make any part for domestic laundry equipment if he knows or has reason to believe that that part will be used for any other purpose than the repairing of used domestic laundry equipment.

(2) No manufacturer shall make any part for domestic laundry equipment if by making that part he would have more parts of that type in his inventory than twice the number he sold in the second preceding calendar quarter. However, a manufacturer making parts in order to bring his inventory of that type of part up to twice the number he sold in the second preceding calendar quarter need not make less than a minimum practical run of that part in order to comply with this paragraph (c) (2).

(3) It will be the general policy of the War Production Board to allocate controlled materials and give priorities assistance for the purchase of all other materials for the manufacture of parts for domestic laundry equipment under the Controlled Materials Plan, only to the extent that the manufacture of parts in any one plant or labor requirements therefor will not interfere with war production in that plant or any other plant located in the same area.

(d) [Deleted July 26, 1944.]

(e) *Reports.* Each manufacturer authorized to produce, assemble or deliver domestic laundry equipment must file with the War Production Board before the 15th day of each month, Form WPB-1600 (formerly PD-655) according to the instructions for filing that form.

(f) *Applicability of regulations and other orders.* The provisions of this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of domestic laundry equipment to a greater extent than this order does, the other order shall govern unless it states otherwise.

(g) *Exceptions and appeals—(1) Production under Priorities Regulation*

25. Any person who wants to produce or assemble any domestic laundry equipment, except washing machines, and any person who wants to make any part for domestic laundry equipment for purposes other than the repairing of used domestic laundry equipment, may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization by letter in accordance with paragraph (b) (1). Authorization to deliver domestic laundry equipment (except ironing machines) is still required under paragraph (b) (3) even when authorization to manufacture is obtained under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of paragraphs (b) (3), (c) (2) or (e) of this order should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant in which the appeal relates. No appeals should be filed from the restrictions of paragraphs (b) (1) or (c) (1).

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Communications.* All reports to be filed and all other communications

concerning this order, except appeals, should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-6.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12531; Filed, August 10, 1944;
11:31 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Supplementary Limitation Order L-7-c, as
Amended Aug. 19, 1944]

DOMESTIC ICE REFRIGERATORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials used in the production of Domestic Ice Refrigerators for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.16 *Supplementary Limitation Order L-7-c—(a) Definitions.* For the purpose of this order:

(1) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box designed for home use.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(3) "Iron and steel content" means the aggregate weight of iron and carbon steel contained in a finished domestic ice refrigerator, including but not limited to, latches, hinges, screws, nails, rivets, bolts, sheet steel, binder strips, drain tubes, drip pans and shelving.

(4) "Net ice capacity" means the maximum amount of standard scored ice which the ice chamber of a domestic ice refrigerator will hold.

(5) [Deleted June 23, 1944]

(b) *General restrictions.* (1) No person shall produce any domestic ice refrigerator:

(i) Containing any crude, reclaimed or synthetic rubber except as permitted in Rubber Order R-1 as amended, or any relief granted pursuant to appeal taken in accordance with the provisions of such Order;

(ii) Containing any metal other than aluminum iron and carbon steel (except metal used in galvanizing, plating, soldering, or coating steel);

(iii) Having a net ice capacity of other than 50 or 75 pounds, except that it may vary ten per cent from either of these amounts;

(iv) Having iron and carbon steel content of more than 6 pounds; or

(v) [Deleted June 23, 1944]

(2) (i) No person shall produce any domestic ice refrigerator except in accordance with a production quota assigned to him in a schedule issued by

the War Production Board pursuant to this order. Such production quotas shall be assigned for periods of time to be specified in the schedule, and shall expire on the last day of the period for which they are assigned. Any person desiring to obtain a production quota shall file with the War Production Board at least 30 days before the expiration date of the schedule in effect at that time a written application to be assigned a production quota for such period as the War Production Board shall specify.

(ii) Such application should contain a statement as to the amount of iron and carbon steel, and other critical materials to be contained in each domestic ice refrigerator the applicant proposes to produce during such period. Whenever production quotas are assigned by the War Production Board, it will take into consideration the amount of iron and carbon steel, and other critical materials to be used by each applicant, the extent to which the domestic ice refrigerators which each applicant proposes to produce conforms to the performance specifications contained in Appendix A attached to this order as established by tests of the National Bureau of Standards, the labor and transportation situation in the area where the plant of each applicant is located and such other factors as the War Production Board shall deem appropriate.

(iii) [Deleted, October 5, 1943.]

(c) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of domestic ice refrigerators to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of regulations.* This order (and any schedules issued pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *Avoidance of excessive inventories.* No person authorized to produce domestic ice refrigerators shall accumulate for use in the production of such domestic ice refrigerators inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order and any schedules issued pursuant thereto.

(f) *Records.* All persons affected by this order or any schedule issued pursuant thereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Each person who produces any domestic ice refrigerators shall file with the War Production Board, not later than 10 days after the end of

each calendar month in which he produced any domestic ice refrigerator, a report on Form WPB-1600 (formerly Form PD-655), showing all domestic ice refrigerators which he produced during such month. Each person, before he offers for sale any new model of domestic ice refrigerator, shall file with the War Production Board a report on Form WPB-1117 (formerly Form PD-531), setting forth a bill of material for such model. Each person affected by this order, or any schedule issued pursuant thereto, shall file such other reports and answers to questionnaires as the War Production Board shall from time to time require.

(i) *Violations.* Any person who willfully violates any provision of this order, or of any schedule issued pursuant thereto, or who, in connection with this order, or any such schedule, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to produce more domestic ice refrigerators than his quota fixed under paragraph (b) (2), and any person who has no quota but who wants to produce domestic ice refrigerators, may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraph (b) (2) should be filed on Form WPB-1477 (in triplicate) with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b) (2).

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant thereto, shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L-7-c.

Issued this 19th day of August 1944.

By J. JOSEPH WHELAN,
WAR PRODUCTION BOARD,
Recording Secretary.

APPENDIX A—PERFORMANCE SPECIFICATIONS FOR DOMESTIC ICE REFRIGERATORS

I. Temperature & Ice Meltage Performance

1. The refrigerator shall maintain with no load in the food compartment an average food compartment temperature of 48° F. or less and a temperature of 46.5° F. or less in the milk storage space at 60% of initial ice load with the room at an average temperature of 85° F. plus or minus 1° F.

2. The temperature at a point two inches above the bottom of the food compartment and two inches from the sidewall, located in the vertical plane perpendicularly bisecting a return air duct shall not be higher than the temperature of the air entering the return air duct. (The return air duct is defined as the duct or ducts through which the air in the refrigerator returns from the food compartment to the ice compartment.)

3. Ice meltage at 60% initial ice load for food compartment volumes between 2.75 and 5.5 cubic feet shall not exceed the value, in lbs/day, computed from the following formula:

$$M \text{ equals } 7.23 \text{ plus } 3.3V$$

where M is the ice meltage in lbs/day and V is the volume of the food compartment in cubic feet. Note: This formula applies only under the following conditions: Room temperature 85° F.; Average food compartment temperature 48° F.; and Food Compartment volumes ranging between 2.75 cubic feet and 5.5 cubic feet.

II. Construction Performance

4. Box deformation: The box shall show no permanent vertical deformation in excess of 3/16" per 3 feet of vertical elevation when subjected to a horizontal load of 350 pounds applied along one diagonal of the top from front to back with the box fastened to the floor at all four legs.

5. Door damage: The door and hinges shall show no permanent damage when the door is subjected to a vertical load of 100 pounds applied to the upper outside corner 2 inches from the outside vertical edge of the door with the door open and at an angle of 80° with the front of the box.

6. Ice shelf: The ice shelf shall be able to support a load of 200% of the normal ice load without fracturing the shelf or supports or causing permanent sagging of more than 1/8" at the center, sides and back.

7. Food shelves: Full width food shelves shall have sufficient strength to support an evenly distributed load of 50 pounds without fracturing or permanently sagging more than 1/8" at the center. Fractional width shelves around the milk storage space shall have sufficient strength to support an evenly distributed load of 25 pounds without fracturing or permanently sagging more than 1/8" at the center.

8. The back of the ice compartment shall withstand without damage an impact of 40 ft. lbs.

9. The refrigerator door shall withstand without damage to the door, hinges and latch a closing of 100 consecutive times from a fully opened position (opened through an angle of 120°) by an impact of 40 ft. lbs. applied at the center of door.

[F. R. Doc. 44-12532; Filed, August 19, 1944; 11:31 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [General Limitation Order L-12-b, as Amended Aug. 19, 1944]

DOMESTIC VACUUM CLEANERS

§ 3291.80 *General Limitation Order L-12-b—(a) Definitions.* For the purpose of this order:

(1) "Domestic vacuum cleaner" means any vacuum cleaner designed primarily for household use.

(2) "New domestic vacuum cleaner" means any domestic vacuum cleaner which has never been used by an ultimate consumer. It includes a domestic vacuum cleaner which has been used only for demonstration purposes.

(3) "Attachment" means any special purpose device designed for use with a domestic vacuum cleaner.

(4) "Part" means any part manufactured for incorporation into a domestic vacuum cleaner or attachment.

(5) "Manufacturer" means any person who is or has been in the business of making domestic vacuum cleaners, attachments or parts since October 1, 1941. "Manufacturer" includes all subsidiaries, affiliates or other companies or enterprises under common ownership or control with the person who makes or has made domestic vacuum cleaners, attachments or parts.

(6) "Restricted private brand seller" means any person other than a manufacturer engaged in the business of selling new domestic vacuum cleaners under his own trade mark or brand name (including all subsidiaries, affiliates or other companies or enterprises under common ownership or control with him) who held for sale more than 500 new domestic vacuum cleaners on October 24, 1942, whether in his own or other person's warehouses or on consignment to wholesalers or dealers.

(b) *Prohibition on production.* No manufacturer shall make or assemble any new domestic vacuum cleaner or attachment. This does not prohibit the repair or rebuilding of used domestic vacuum cleaners or the manufacture of parts.

(c) *Restrictions on the production of parts.* (1) No manufacturer shall make or transfer any new domestic vacuum cleaner part if he knows or has reason to believe that that part will be used for any other purpose than the repairing of a used domestic vacuum cleaner.

(2) No manufacturer shall make any part if by making that part he would have more parts of that type in his inventory than twice the number he sold in the second preceding calendar quarter. However, a manufacturer making parts in order to bring his inventory of that type of part up to twice the number he sold in the second preceding calendar quarter, need not make less than a minimum practical run of that part in order to comply with this paragraph (c) (2).

(3) It will be the general policy of the War Production Board to allocate controlled materials and give priorities assistance for the purchase of all other materials for the manufacture of parts, under the Controlled Materials Plan, so that the manufacture of parts in any one plant or labor requirements therefor will not interfere with war production in that plant or any other plant located in the same area.

(d) *Restrictions on transfer of new domestic vacuum cleaners.* No manufacturer or restricted private brand seller shall transfer physical possession or title to any new domestic vacuum cleaner, except

(1) To or for the account of the Army or Navy of the United States.

(2) To any person outside of the United States its territories and possessions under export licenses issued by the Foreign Economic Administration.

(3) As authorized by the War Production Board on Form WPB-1319. Form WPB-1319 should be filed with the War Production Board, Washington 25, D. C., Ref: L-18-b.

(e) *Reports.* All manufacturers and restricted private brand sellers must file a report with the War Production Board, on or before the fifteenth day of July, October, January and April on Form WPB-1600 (formerly PD-655) showing all new domestic vacuum cleaners shipped or delivered in the preceding quarter.

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to make or assemble any domestic vacuum cleaners, or attachments, or to make or transfer any parts, the production or transfer of which is prohibited or restricted by paragraphs (b) or (c) of this order may apply for permission to do so as explained in Priorities Regulation 25. The transfer of physical possession or title to new domestic vacuum cleaners is still subject to the restrictions of paragraph (d) even when authorization to manufacture is obtained under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the restrictions of this order, other than the restrictions of paragraphs (b) or (c) (1), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (b) or (c) (1).

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-18-b.

(i) *Applicability of other orders and regulations.* The provisions of this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of domestic vacuum cleaners, attachments or parts to a greater extent than this order does, the other order shall govern unless it states otherwise.

Note: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12533; Filed, August 10, 1944; 11:31 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-23-b, as Amended
Aug. 10, 1944]

DOMESTIC ELECTRIC RANGES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.180 *Limitation Order L-23-b—(a) What this order does.* This order controls the manufacture and delivery of new domestic electric ranges. It provides for the resumption of production of these items on a limited basis.

(b) *Definitions.* For the purpose of this order:

(1) "New electric range" means any range or cooking stove designed primarily for home use having as functional parts electric heating elements of a total rated wattage of 2½ kilowatts or over, and which has never been used by a consumer.

(2) "Consumer" means any person who gets an electric range for installation or use, including a builder of a housing project.

(3) "Manufacturer" means any person who produces or assembles new electric ranges, or who produced or assembled them during the base period.

(4) "Base period" means the twelve months period beginning July 1, 1940.

(5) "Distributor or dealer" means any person who buys new electric ranges for resale at the wholesale or retail price level.

(6) "Special order" means any purchase order or contract calling for delivery to or for the account of the Army or Navy of the United States, the U. S. Maritime Commission, the War Shipping Administration, the Federal Public Housing Authority, the Home Owners Loan Corporation acting for the National Housing Agency, or any purchase order or contract covered by an export license, release certificate, or Lend-Lease requisition approved or authorized by the Foreign Economic Administration.

(c) *Production of electric ranges.*

(1) No person shall make any new electric ranges except in models and quantities specifically authorized by the War Production Board on Form CMPL-150-b. Application should be made by filing Form WPB-3700 with the field office of the War Production Board for the district in which the electric ranges will be made.

(2) Manufacture of new electric ranges will be authorized so that the total production will not exceed the approved War Production Board Program and so that production in any one plant or la-

bor requirements therefor will not interfere with war production in that plant, or in any other plant located in the same area. Wherever practical, each manufacturer will be permitted under paragraph (c) (1) to make in each calendar quarter, for other than special orders, the number of new electric ranges set forth in Table A. However, to ensure full production of approved requirements, the War Production Board may assign additional quotas to qualified manufacturers. Authorization will be given to produce for special orders without reference to base period production. In general, no single manufacturer will be authorized to produce for other than special orders, more than one model of the standard size and one model of the low oven apartment house type electric range. Approval of models will be based largely on economy of production and the volume of production of the individual models by a manufacturer during the base period. The War Production Board will, from time to time or on request of any manufacturer, give notice to all manufacturers of the total production authorized and the percentage of his base period production authorized to each individual manufacturer.

(3) Manufacturers who are unable to produce in their own plant because of interference with war production may apply to the War Production Board for authorization to have another manufacturer make electric ranges for them. Each application should be made by filing Form WPB-3700 in accordance with the applicable instructions.

(d) *Relief on outstanding appeals remains in effect.* The provisions of paragraph (c) do not apply to the production or assembly of electric ranges under an appeal from Order L-23-b granted by the War Production Board before May 25, 1944.

(e) *Restriction on production of parts.* No person shall make any parts for an electric range (including repair and replacement parts) if by making those parts he would have more parts of that type in his inventory than a three months' supply. A person, however, is not required to make less than a minimum practical run of any parts (including repair and replacement parts) in order to comply with the provisions of this paragraph.

(f) *WPB may direct distribution of ranges for specified purposes.* The War Production Board, on Form CMPL-150-b or otherwise, may direct a manufacturer as to the number of new electric ranges he may distribute for specified purposes such as housing projects, and may state the conditions under which he may sell and ship the electric ranges.

(g) *How new electric ranges may be sold to consumers.* No person may sell or deliver any new electric range to a consumer except in accordance with the rules stated below.

(1) Sales may be made to fill special orders for which production has been authorized under paragraph (c) (1).

(2) Sales may be made to a person who furnishes a certificate in substantially the following form:

I certify to the War Production Board and to the seller: I own or occupy the residence at ----- It has the inside and outside wiring needed for an electric range, and my electric company has told me that electric service for range operation will be supplied. I do not have any electric range for this residence which can be used or repaired.

Signature of purchaser

(3) Sales may be made to fill orders for electric ranges to be installed in housing projects approved by the National Housing Agency or War Production Board under Preference Rating Order P-55-c if the purchaser endorses on his purchase order a statement substantially as follows:

This order is placed pursuant to authority granted under Order P-55-c. I have been authorized by the War Production Board or National Housing Agency to install these electric ranges in Project No. ----- located at -----

A distributor or dealer may not deliver on such an order any new electric ranges which were not delivered to him for housing projects, unless he is advised by the manufacturer that replacements will be shipped from the inventory of electric ranges which the manufacturer has been authorized to distribute for housing projects.

(4) Sales may be made on special authorization of the War Production Board granted on Form WPB-1319. Applications should be made on this form in accordance with the instructions for its use which are obtainable at field offices of the War Production Board. Authorizations will not be granted for electric ranges on Form WPB-1319 except for installation and use by Federal, state, and local governmental agencies, educational institutions and service institutions, such as the American Red Cross and the United Service Organization, where the use of commercial cooking equipment is not practicable, as for example in diet kitchens and domestic science classrooms.

(5) The standard certification provided for in paragraph (d) of Priorities Regulation 7 cannot be used in place of the certificates mentioned above. A seller may not sell to a person furnishing any of these certificates if he knows or has reason to believe that the facts stated are false.

(h) *Policy for distribution of ranges.* It is the policy of the War Production Board that each manufacturer shall distribute electric ranges through his normal distribution channels taking into consideration shipments to areas during 1941, migration of workers to certain areas, and such other factors as will provide equitable distribution to meet essential needs. This does not apply to electric ranges sold on special orders or for housing projects. The War Production Board

may direct the distribution of specified quantities to any area from any manufacturer's production.

(i) *Preference ratings not valid for purchase of new electric ranges.* No preference rating lower than AAA shall be valid for the purchase of new electric ranges and orders bearing such preference ratings are to be treated as unrated orders.

(j) *Reports.* Every manufacturer producing or shipping electric ranges shall file Form WPB-1600, executed in accordance with the instructions for filing that form, with the War Production Board, Washington 25, D. C., Ref: L-23-b, on or before the 15th day of July, October, January and April. This form is a report of the number of new electric ranges made and shipped during the preceding quarter.

(k) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in making electric ranges to a greater extent than this order does, the other order shall govern.

(l) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to make new electric ranges and who has not been authorized to make them on Form CMPL-150-b (whether or not he made them in the base period), and any person who wants to make more new electric ranges than he was authorized to make on Form CMPL-150-b, may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply on Form WPB-3700 for an authorization if he desires. Distribution, sale and other restrictions of the order, with the exception of the restrictions of paragraph (c), must be complied with even when authorization to manufacture is obtained under Priorities Regulation 25.

(2) *Appeals.* Any appeals from the provisions of this order, other than paragraph (c), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the

appeal relates. No appeal should be filed from the provisions of paragraph (c).

(n) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-23-b.

Note: The reporting and application requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Quarterly production of electric ranges will be authorized when practical to manufacturers as follows:

Class A—2¼ % of base period production, or 1200 units, whichever is greater.
Class B—4 % of base period production, or 300 units, whichever is greater.
Class C—10 % of base period productions.

Class A manufacturers are those who made more than 30,000 new electric ranges in the base period; Class B manufacturers are those who made between 3,000 and 30,000 in the base period, and Class C manufacturers are those who made less than 3,000 in the base period.

INTERPRETATION 1

DOMESTIC ELECTRIC RANGES

Under Order L-23-b as amended May 25, 1944, new electric ranges may be sold to consumers who qualify under paragraphs (g) (2) or (g) (3) without obtaining authorization from the War Production Board. Persons who obtained electric ranges pursuant to an authorization of the War Production Board on Form WPB-1319 issued before May 25, 1944, may sell them under the above provisions if they are unable to use them for the purpose for which they were released. For example, if electric ranges were delivered to a dealer or builder pursuant to a WPB-1319 authorization for use in a specific housing project but cannot be used in that project, the dealer or builder may sell them to any "consumer" in accordance with paragraphs (g) (2) or (g) (3). [Issued June 10, 1944]

[F. R. Doc. 44-12534; Filed, August 19, 1944; 11:31 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [Limitation Order L-27, as Amended Aug. 19, 1944]

VENDING MACHINES: MERCHANDISE

§ 3291.100 *Limitation Order L-27—*
(a) *Definitions.* For the purposes of this order:

(1) "Merchandise vending machines" means any coin or token operated machine from which merchandise is sold. It includes for example, cigarette, candy, chewing gum, nut, bulk and bottle beverage and food vending machines, photograph vending machines, sanitary napkin vending machines, and drinking cup dispensers. It does not include automatic restaurants (so-called automats) or United States Postage Stamp vending machines.

(2) "Manufacturer" means any person who produces or assembles any merchandise vending machines or parts for merchandise vending machines, or any person who produced or assembled any merchandise vending machines during the twelve month period ending June 30, 1941, whether or not he now produces any.

(3) "Deliver" means to lease, sell, or transfer.

(b) *Restrictions on production and delivery.* (1) No manufacturer shall produce or deliver any merchandise vending machines except sanitary napkin vending machines, which may only be produced according to a quota approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer who wishes to produce or deliver any of these sanitary napkin vending machines must file this form with the War Production Board on or before the 15th day of December, March, June and September according to the instructions accompanying that form. A manufacturer asking permission to produce or assemble sanitary napkin vending machines must file with his first application a letter stating the total number of sanitary napkin vending machines which he produced, assembled or delivered during the twelve month period ending June 30, 1941 and the location of his plant and of any other plants which will produce parts for those machines. If the manufacturer intends to produce or assemble in his own plant, he should state the estimated man hours which will be consumed in the production or assembly of each unit. If the manufacturer intends to have the machines produced for him by another manufacturer, he should state that fact and give the name and location of the other manufacturer.

(c) *Delivery of certain merchandise vending machines not covered.* This order does not restrict the delivery of any merchandise vending machines completely finished before January 15, 1944.

(d) *Reports.* Each manufacturer producing or delivering sanitary napkin vending machines pursuant to an authorization on Form WPB-2719 under paragraph (b) (1) must file, with the War Production Board, quarterly reports on Form WPB-2719 (formerly PD-880) on or before the 15th day of December, March, June and September, according to the instructions for filing that form.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(f) *Exceptions and appeals—*(1) *Production under Priorities Regulation 25.* Any person who wants to produce any

merchandise vending machines (including sanitary napkin vending machines), and any person who wants to produce more sanitary napkin vending machines than he has been authorized to produce on Form WPB-2719, may apply for permission to do so as explained in Priorities Regulation 25. The delivery of any machines so produced is not restricted by this order. A person may still, of course, apply on Form WPB-2719 under paragraph (b) (2) for authorization to produce and deliver sanitary napkin vending machines.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraph (b) should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b).

(g) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of vending machines to a greater extent than does this order, the other order shall govern unless it states otherwise.

Note: The reporting provisions of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12503; Filed, August 19, 1944; 11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [Limitation Order L-30-a, as Amended Aug. 19, 1944]

GALVANIZED WARE AND NON-METAL COATED METAL ARTICLES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities used in the production of galvanized ware and certain non-metal coated metal articles for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.150 *Limitation Order L-30-a—*
(a) *What this order does.* This order states the rules governing production of galvanized ware and certain non-metal coated metal articles listed on Table A and Table B. It states the kinds and sizes of articles which may be made, and establishes quotas on the use of iron and steel in producing them. Preferred orders are exempt from these restrictions.

(b) *What articles are covered; definition of "restricted"*. This order covers only articles on Tables A and B which are made of iron or steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish. For convenience the term "restricted" is used in this order to describe such articles. An article, however, is "restricted" only if 50 percent or more of it by weight consists of iron or steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish.

(c) *Definition of preferred orders*. "Preferred orders" are those purchase orders or contracts for articles which will be ultimately delivered to the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to other persons pursuant to authorization by the United States Maritime Commission on Form WPB-646 (formerly PD-300).

(d) *Restrictions on production and assembly*. (1) A manufacturer may not produce or assemble any restricted articles listed on Table A.

(2) A manufacturer may not produce or assemble restricted articles listed on Table B unless they conform to the provisions of that Table.

(3) These provisions do not apply to articles produced to fill preferred orders. This means that any restricted articles listed on Tables A and B may be produced for those orders without regard to size or other restrictions.

(e) *Quota restrictions*. A manufacturer may not use more iron and steel in making restricted articles than the quotas computed in accordance with Table B, subject to the following rules:

(1) *Preferred orders exempt*. Iron and steel used in making articles to fill preferred orders need not come out of a manufacturer's quota, but may be used in addition to his quota.

(2) *Unused quotas*. A manufacturer may use for any restricted articles during any quarter, in addition to his quota for that quarter, any unused balance of his previous quarter's quota for such articles.

(3) *The War Production Board may reduce quotas for interference with war production*. The War Production Board may issue directions reducing any quotas if the Board finds after investigation that production in any one plant, or labor requirements therefor, will interfere with war production in that plant or in any other plant located in the same area.

(4) *Special permission to exceed quotas*. The War Production Board from time to time may permit manufacturers to exceed their quotas, but will not authorize total production to exceed the approved War Production Board programs. This will be done only in special cases and for limited periods of time. For example, if some manufacturers are unable to use their full quotas, because of interference with war production or

otherwise, the War Production Board may permit others to use the unused amount where that can be done without interference with war production in their plants or in any other plants located in the same areas. In addition, authorizations may be granted to exceed quotas in filling orders for special purposes, such as for export or for delivery to the National Housing Agency. Authorizations under this paragraph will be granted either in the form of individual letters or of published directions supplementary to this order.

(f) *Applicability of other orders and regulations*. This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of articles covered by this order to a greater extent than this order does, the other order shall govern.

(g) *Reports*. (1) Each manufacturer shall file on or before August 1, 1944, a report on Form WPB-3768 showing the number of units produced and the amount of iron and steel which he used in the production of each of the restricted articles listed on Tables A and B during the twelve months ending June 30, 1941.

(2) Each manufacturer shall file with the War Production Board on or before January 20, April 20, July 20 and October 20 of each year, a report on Form WPB-1600 (formerly PD-655) showing his production, shipments, and inventory for the preceding quarter.

(h) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25*. Any person who wants to produce or assemble any restricted articles listed in Table A, and any person who wants to use more iron and steel in making restricted articles listed on Table B than the quotas fixed in paragraph (e), Table B Column (4) or a direction to this order (including a person who has no quota), may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for special permission to exceed quotas under paragraph (e) (4).

(2) *Appeals*. Any appeal from the provisions of this order, other than the restrictions of paragraph (d) (1) or the quota restrictions of paragraph (e) and Table B Column (4), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (d) (1), or the quota restrictions of paragraph (e) of Table B Column (4),

(1) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Communications*. All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref. L-30-a.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A—PROHIBITED RESTRICTED ARTICLES

1. Ash sifters
2. Diaper cans, containers and receptacles
3. Dippers
4. Foot baths
5. Garbage, ash, rubbish or waste paper receptacles, except as permitted in Table B of this order or in Schedule III of Order L-214, or included in the definition of "safety equipment" in Order L-114
6. Inclinerators, portable
7. Liquid and dry measures (other than oil measures with flexible spouts or with hinges which permit the spouts to be raised, lowered or otherwise moved).
8. Radiator and tractor filling cans (other than blitz cans)
9. Refrigerator pans
10. Utility baskets
11. Watering pots

TABLE B—PERMITTED RESTRICTED ARTICLES

A manufacturer may not produce or assemble any restricted articles in column (1) unless they conform to the size and gauge ranges specified in columns (2) and (3).

Quarterly quotas. No manufacturer may use in any calendar quarter more iron and steel in making any restricted articles listed in column (1) than his quarterly quotas for such articles shown in column (4). A quota is calculated by taking the percentage shown for an item and multiplying it by one-fourth of the total amount of iron and steel used in making that item during the twelve months ending June 30, 1941, the base period. Unless otherwise noted, the base period production shall include all restricted articles included in any item in column (1) produced in the base period, whether or not they conformed to the limitations of columns (2) and (3).

The gross weight of iron and steel when first put into production, whether in the form of raw materials or purchased parts, is considered the amount of iron and steel used and to be used in figuring these quotas.

(1) Restricted articles	(2) Size ranges	(3) Gauge ranges	(4) Quarterly quotas
1. Garbage and ash cans and pails (including inserts for step-on cans).	2½-4 gals. 5-7 gals. 8-11 gals. 15 gals. ¹ 20 gals. ¹ 27 gals. ¹	25-31 24-31 24-31 24-31 24-31 24-31	100 percent (of iron and steel used in all restricted garbage, rubbish and ash receptacles in base period).
2. Pails, buckets and tubs (other than washtubs, and pails, buckets and tubs designed for use expressly as packing or shipping containers).	10-16 qts. (wringer buckets may be made in any size).	22-31	100 percent.
3. Washtubs (without stands or legs).	10-20 gals.	26-31	100 percent.
4. Cans, with a capacity of 1 to 6 gallons, designed for the storage of oil, gasoline or kerosene (excluding "drums" as defined in Order L-197 and "safety equipment" as defined in Order L-114).	1-6 gals.	22-31	100 percent.
5. Coal hods and scuttles.	15-20 inches in length at top.	26-31	100 percent.
6. Fire shovels (short handled coal bucket type).	22 inches or less in over-all length.	Unrestricted.	100 percent.
7. Funnels.	6 inches and over in diameter.	22-31	100 percent.
9. Wash boilers.	10-15 gallons.	26-31	100 percent. ²

¹ These sizes may vary 15 percent from the figures stated.

² Quota of iron and steel for restricted wash boilers is based on total use of metal in base period in all wash boilers, whether or not made of iron and steel.

INTERPRETATION 1: Superseded June 21, 1944.

INTERPRETATION 2: Superseded June 21, 1944.

[F. R. Doc. 44-12504; Filed, August 19, 1944; 11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-30-b, as Amended Aug. 19, 1944]

ENAMELED WARE

§ 3291.155 *Limitation Order L-30-b*—
(a) *What this order does.* This order states the rules governing the manufacture of household, cooking and hospital articles made of vitreous-enameled iron and steel. The kinds and sizes of enameled ware which may be made are described, including hospital ware which was formerly covered by Schedule I to Order L-214. Quotas are placed on the use of iron and steel. Special provisions are made for military and export orders.
(b) *Definitions.* When used in this order:

(1) "Enameled ware" means any of the articles listed on Table A when made of vitreous-enameled iron or steel. It does not include any furniture, electrical or gas appliance or power-driven equipment.

(2) "Preferred orders" means any purchase order or contract for enameled ware which will be ultimately delivered to the Army or Navy of the United States, the U. S. Maritime Commission or War Shipping Administration.

(3) "Export orders" means any purchase order or contract for enameled ware for delivery outside the United States, its territories and possessions.

(4) "Civilian order" means any purchase order or contract other than a preferred order or export order.

(c) *What enameled ware may be made.* (1) No manufacturer shall produce or assemble any enameled ware that does not conform to Table A. Exceptions to this rule are stated below.

(2) A manufacturer may complete the following operations on enameled ware which was otherwise completed by December 31, 1942; making and attaching

handles, bails, spouts and ears; welding together fabricated parts; applying a vitreous-enameled or other coating.

(3) The War Production Board may authorize on Form WPB-1319 (formerly PD-556) enameled ware not conforming to Table A to fill export orders.

(4) The provisions of Table A do not apply to enameled ware which is produced to fill preferred orders or for experimental use in a scientific laboratory in connection with the development of enameled ware standards.

Quota Restrictions

(d) *General.* No manufacturer shall use more iron and steel in making enameled ware than the amounts stated below. Each manufacturer has a quota for civilian orders and a separate quota for preferred orders and export orders. In each calendar quarter a manufacturer is limited to a percentage of the iron and steel he used in his total production of enameled ware in the twelve months ending June 30, 1941, the "base period." The gross weight of iron and steel when first put into production, whether in the form of raw materials or as purchased parts, is considered the amount of iron and steel used and to be used in figuring out the quotas. A manufacturer who purchases black shapes and covers them with an enamel coating should include the weight of these black shapes in his "use" of iron and steel, while a manufacturer who fabricates the black shapes should consider the gross weight of the sheets he cuts up as part of his "use" of iron and steel.

(e) *Civilian quotas*—(1) *General rule.* In his production for civilian orders of all enameled ware (except roasters), a manufacturer is limited in each calendar quarter to one-fourth of 70% of the iron and steel which he used for all enameled ware (except roasters) in the base period. No manufacturer may produce during any calendar year more enameled roasters than 15% of the number he produced in the base period.

(2) *Optional quotas for manufacturers of hospital ware.* Instead of following the general rule any manufacturer may use in any calendar quarter in producing hospital enameled ware (See Table

A) not more than one-fourth of 100% of the iron and steel which he used for that ware in the base period. If he does this, however, his civilian quota for non-hospital ware (except roasters) is reduced to one-fourth of 60% of the iron and steel he used for that ware in the base period. Any manufacturer who chooses this alternative or who later decides to follow the general rule stated in the preceding paragraph shall notify the War Production Board by January 15, 1944 or before the first day of the quarter in which he intends to do this.

(3) *Division of quota among different articles.* In allocating his iron and steel among the items listed in column (2) of Table A, a manufacturer should use his best efforts to divide his quota of iron and steel among all the articles which he customarily makes in such a way as to meet the essential needs for those articles. If it is found that an undue shortage exists in certain articles or that production is being concentrated too much on other articles, the War Production Board may issue written instructions to any manufacturer directing him to allocate a specified share of his production to articles which are considered most essential. Failure to comply with a specific direction shall be deemed a violation of this order.

(f) *Quotas for preferred orders and for export.* In addition to his civilian quota, a manufacturer may use during any quarter in producing enameled ware to fill preferred orders and export orders not more than one-fourth of 55% of the iron and steel which he used in the base period for all enameled ware.

(g) *Unused quotas.* A manufacturer may use for civilian orders during any calendar quarter, in addition to his quota for that quarter, any unused balance of his previous quarter's civilian quota. A manufacturer may also use to fill preferred orders and export orders during any calendar quarter, in addition to his quota for that quarter, any unused balance of his previous quarter's quota for such orders.

(h) *Special permission to exceed quotas.* The War Production Board from time to time may permit manufacturers to exceed their quotas. This will only be done in special cases and for limited periods of time. For example, if one or more manufacturers are unable to use their full quota in any quarter, other manufacturers may be permitted to use the unused amount in addition to their own quotas. Similarly, if additional iron or steel becomes available at any time, the War Production Board may authorize its use in addition to the quotas. As far as practicable increases will be permitted for all manufacturers of the articles to be made in proportion to their quotas. Permission will be granted either in the form of individual letters or of published directions supplementary to this order.

Miscellaneous Provisions

(1) *Overruns, rejects and cancellations.* Enameled ware made to fill a preferred order, which, because of overruns, rejects, cancellations of orders or any other reasons cannot be used to fill that

order, may be used or disposed of only as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1.

(j) *Reports.* (1) [Deleted Apr. 3, 1944]

(2) Each manufacturer shall file with the War Production Board on or before January 20, April 20, July 20, and October 20 of each year, a report on Form WPB-1600 (formerly PD-655), showing his production, shipments, and inventory of enameled ware for the preceding quarter.

(3) These reporting provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(k) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of enameled ware to a greater extent than does this order, the other order shall govern unless it states otherwise.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25.* Any person who wants to use more iron and steel in making enameled ware than the amounts fixed in paragraphs (d), (e) or (f) (including a person who has no quota under this order) may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for special permission to exceed quotas under paragraph (h).

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraphs (d), (e) or (f) should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (d), (e) or (f).

(n) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-30-b.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

General. Under the provisions of paragraph (c) of Order L-30-b, no manufacturer shall produce or assemble any enameled ware falling within any class in column (1) except articles listed in column (2) conforming to the restrictions of columns (3) and (4). When a manufacturer is permitted to make more than one size of any article, each size he manufactures shall fall within a different one of the size ranges specified, except that if only one size range is specified he may manufacture the permitted number of sizes anywhere within that range.

(1) Class of articles	(2) Permitted types in each class	(3) Number of sizes permitted each manufacturer	(4) Sizes
Cooking enameled ware (Utensils used primarily in the preparation, cooking, serving or storage of foods or beverages, whether for household, institutional, commercial, governmental or any other use).	Bain Marie pots.....	2	2 to 2½ quart and 4 to 4½ quart capacity.
	Cannery, cold pack (only as permitted in Direction 1)	See Direction 1.	See Direction 1.
	Coffee boilers.....	1	9½ to 12-quart capacity.
	Dippers.....	1	Manufacturer's choice.
	Double boilers.....	2	1½ to 2½ quart and 6½ to 8 quart capacity.
	Kettles.....	1	14 to 20-quart capacity.
	Lodges.....	1	Manufacturer's choice.
	Percolators (with or without baskets).....	1	6 to 8-cup capacity.
	Drip coffee makers.....	1	6 to 8-cup capacity.
	Reactors (single wall).....	1	15" to 19" in length.
	Sauce pans.....	3	1 to 3 quart capacity.
	Sauce pots.....	3	3½ to 10 quart capacity.
	Steamtable irons.....	3	To fit openings of 6½", 8½" and 10½" in diameter.
	Steamtable pans.....	2	Manufacturer's choice, to fit rectangular openings only.
	Stock pots.....	3	15 to 25 quart capacity.
Household enameled ware (Enameled pails, buckets, and tubs, including infants' bathtubs; dish pans and sink strainers; baby bottle sterilizers). Enameled combiacts, commodes, chambers and chamber covers. Hospital enameled ware (Any wash basin, any step-on can insert, and any article designed primarily for hospital or sick room use, including but not limited to, sponge basins, pus basins, solution basins, bed pans, irrigators, dressing jars, instrument trays, instrument sterilizers (without heating elements or stands), urinals, catheter trays, feeding cups and douche pans, but excluding any article in another class in this column).	Ten Kettles.....	1	4 to 7-quart capacity.
	Water pails.....	1	10 to 12½ quart capacity.
	Dish pans.....	1	9 to 15 quart capacity.
	Combiacts.....	1	8 to 12 quart capacity.
	Basin, pus.....	2	6 to 10½ inches in length.
	Basin, sponge.....	1	6 to 7 inches in diameter.
	Basin, solution.....	1	13 to 13½ inches in diameter.
	Basin, wash.....	1	12 to 12½ inches in diameter.
	Bedpan.....	2	Manufacturer's choice.
	Irrigator.....	1	2 to 2½ quart capacity.
	Jar, dressing.....	2	2 to 2½ quart and 4 to 4½ quart capacity.
	Step-on can inserts, as may be permitted under Schedule 3 of Order L-314.		
	Sterilizer, instrument (without heating element or stand).....	1	15 to 19 inches in length; 4 to 5 inches in depth; 8 to 9 inches in width.
	Troy, instrument.....	4	Manufacturer's choice.

¹ Metal covers may be made for these articles but not for any others in this table.

INTERPRETATION 1: Revoked Jan. 8, 1944.

[F. R. Doc. 44-12505; Filed, August 19, 1944; 11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-30-c, as Amended Aug. 19, 1944]

CAST IRON WARE

§ 3291.160 *Limitation Order L-30-c*—
(a) *Definitions.* For the purposes of this order:

(1) "Cast iron ware" means any of the following articles when made of cast iron:

(i) Kitchen utensils used primarily in the preparation, cooking, serving or storage of food or beverages, whether for household, institutional, commercial, government or any other use, and racks for holding such utensils;

(ii) Sugar, wash and butchering kettles and English pots;

(iii) Sad irons, flat irons and Mrs. Potts' irons; and

(iv) Hot plates and flame tamers;
"Cast iron ware" does not include electrical or gas appliances or power-driven equipment.

(2) "Manufacturer" means any person who produces or assembles any cast iron ware.

(3) "To put into process" means for a person to perform the first manufacturing or assembling operations on material or parts received by him.

(4) "Preferred order" means any purchase order or contract for cast iron ware which will be ultimately delivered to the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(b) *Restrictions on production.* A manufacturer may not produce or assemble any cast iron ware except articles listed on Table A made within the quota provisions of that table.

(c) *Applicability of regulations and other orders.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of cast iron ware to a greater extent than this order does, the other order shall govern unless it states otherwise.

(d) *Exceptions and appeals*—(1) *Production under Priorities Regulation 25.*

Any person who wants to use more iron and steel in production of cast iron ware listed in Table A than the quota fixed in that table (including a person who has no quota under this order), or to produce or assemble any cast iron ware not listed on Table A, may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from paragraph (f) of this order should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b).

(e) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Reports.* (1) [Deleted Mar. 27, 1944]

(2) On or before the twentieth day of the first month following each calendar quarter, beginning January 20, 1944, each manufacturer shall file with the War Production Board, Form WPB-1600 (formerly PD-655) showing all shipments of cast iron ware during the preceding calendar quarter and his inventory of cast iron ware.

(3) These reporting provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-30-c.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

General. A manufacturer may not make any cast iron ware which is not listed on the following table.

Quarterly quotas. No manufacturer shall put into process in the production of cast iron ware during any calendar quarter more iron and steel than his quarterly quotas as shown in column (2). The quota is calculated by taking the percentage shown for an article and multiplying it by one-fourth of the amount of iron and steel put into process by him for that article in the twelve months

ending June 30, 1941. These quotas apply to all articles, whether produced in fulfillment of preferred orders or otherwise.

(1) Articles	(2) Quarterly quotas
	Per cent
Skillets.....	100
Griddles.....	50
Household kettle (12-quart or smaller)....	75
Sugar or wash kettle (20 gallons or smaller).....	100
Butchering kettle (over 20 gallons).....	100
Dutch oven.....	100
Bitter muffin pan or corn or bread stick pan.....	125
Sod irons or flat irons.....	100
Scourge kettles.....	Unlimited*

*Of muffin pans and corn or bread stick pans.

*May be produced for preferred orders only.

[F. R. Doc. 44-12506; Filed, August 19, 1944; 11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Supplementary Limitation Order L-30-d, as Amended Aug. 19, 1944]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

§ 3291.165 *Supplementary Limitation Order L-30-d—(a) Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person who produces or assembles any article listed on Schedule A or Schedule B attached to this order, or any part for any such article.

(2) "To produce" or "to assemble" an article does not include the application of a coating or finish or the attaching of handles, spouts or ears to articles which are otherwise completed.

(3) "To put into process" means for a person to perform the first manufacturing or assembly operations on material or parts received by him.

(4) "Base period" means the twelve months ending June 30, 1941.

(5) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(6) "Repair parts" means any part for an article or product which is not produced for or used in a new article or product.

(7) "Preferred order" means any purchase order, contract, or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(b) *Prohibition of production of articles on Schedule A.* No manufacturer shall produce or assemble any of the articles listed on Schedule A or parts (in-

cluding repair parts) for such articles containing any metal.

(c) *Restrictions on production of articles on Schedule B.* No manufacturer shall produce or assemble any articles listed on Schedule B or any parts (including repair parts) for such articles containing any metal except in accordance with the provisions of that schedule.

(d) *Exceptions.* (1) The provisions of paragraphs (b) and (c) do not apply to (i) articles produced to fill preferred orders; (ii) articles containing not more than 5% by weight of iron and steel, including joining hardware; (iii) articles covered by other orders in the L-30 series, as amended from time to time, or by supplements or directions issued under those orders; or (iv) articles produced from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size or shape for the articles, and is not in mill standard gauges and sizes.

(2) The War Production Board from time to time may issue directions under this order controlling the production of articles it covers. When a direction is issued its provisions will supersede the provisions of this order for the articles it covers, unless the direction states otherwise.

(e) *Provisions concerning distribution.*

(1) For the purpose of this paragraph:

(i) "Special order" means a rated purchase order or contract bearing a statement that the preference ratings were assigned pursuant to Form WPB-547 (formerly PD-1X). It is the policy of the War Production Board to assign such ratings only to take care of emergencies or to fill special needs arising from war conditions.

(ii) "Total quarterly production" means either the total dollar value or the total number of units of each article produced under this order during a calendar quarter. Articles produced or sold on preferred orders shall be disregarded in this calculation.

(2) Of his total quarterly production of any article each manufacturer shall allocate his sales so that 25% are sold on special orders and 75% on other orders. Fifteen days after the end of the quarter any balance of the 25% for which he has no special orders may be sold on other orders. For example, articles produced in the third quarter and held for sale on special orders may be sold on or after October 15th on other orders.

(3) It is hereby declared to be the policy of the War Production Board that each manufacturer shall distribute equitably all articles sold on other than special orders. In line with this policy, each manufacturer should follow his 1942 pattern of distribution, making any adjustments necessary to take care of population and other changes resulting from war conditions. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any per-

son to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(4) [Deleted July 6, 1944.]

(5) In complying with the provisions of subparagraph (3) above, each manufacturer shall fill all rated orders (other than special orders) in accordance with applicable War Production Board regulations. However, it should be noted that under Priorities Regulation No. 3, as amended, articles produced under this order are not subject to preference ratings assigned by any regulations or orders of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation Nos. 5 and 5A).

(f) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of articles covered by this order to a greater extent than this order or any direction issued under it, the other order shall govern unless there is a provision stating otherwise.

(g) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person (including a person who has no quota under this order) who wants to use more iron and steel in making articles listed on Schedule B or parts (including repair parts) containing metal than the quotas fixed in Column (5) of that schedule, may apply for permission to do so as explained in Priorities Regulation 25. Similar application may be made under that regulation to produce or assemble articles (or parts for articles) listed on Schedule A containing metal.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraph (b) and the quota restrictions of Schedule B, Column (5) should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b) or the quota restrictions of Schedule B Column (5).

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction

may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(i) *Reports.* On or before January 20, April 20, July 20, and October 20 of each year, each manufacturer shall file with the War Production Board, Form WPB-1600, showing his production, shipment and inventory during the preceding quarter, of articles produced in accordance with Schedule B. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-30-d.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A: Prohibited articles. The production of the following articles is prohibited in accordance with the provisions of paragraph (b) of this order, except as provided in paragraph (d):

Cake coolers
Camp grids
Candlesticks
Carpet beaters
Closet accessories, except coat and hat hooks, boot and shoe trees, garment bags and garment hangers
Clothes pins
Concrete garbage receptacle, containing more than 5 percent, by weight, of metal, exclusive of the weight of separate bases or blocks
Cup frames
Curtain rods and fixtures and drapery attachments
Cuspidors and spittoons
Dish pans
Dust pans, silent butlers and crumb sets
Fly swatters
Funnels
Household storage articles (all articles designed for the storage of foods or household supplies including but not limited to vegetable bins, canisters, spice sets, bread boxes, cake covers or safes, holders for salt, soap or cleaner cartons, step-on cans and window boxes for the storage of food, but excluding (i) pails, buckets and tubs; and (ii) containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to cans as defined in Conservation Orders M-81, or M-135, glass containers or closures as defined in Limitation Order L-103, and drums as defined in Limitation Order L-197
Picnic stoves
Pot chains
Pot cover holders

Sink accessories, including but not limited to, sink drainers, dish drainers, rinsing pans and pot scourers (except pot scourers produced from wire scrap only)

Soap covers and soap dishes
Toilet paper holders
Tooth brush holders
Towel bars and racks
Wash boards

SCHEDULE B: Permitted articles. The production of the articles listed must conform to the restrictions of this schedule in accordance with the provisions of paragraph (c) of Order L-30-d, except as provided in paragraph (d) of that order.

No manufacturer shall produce or assemble any article falling within any class in column (1) or any part for such article, containing any metal, except articles listed in column (2) conforming to the restrictions of column (3) and containing only the metals listed in column (4)

Definitions of terms used in column (4)

"Iron and steel" means unalloyed iron and steel.

"Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

"Plated" means that the iron or steel may be plated with another metal when not prohibited by any M Order or any other Order of the War Production Board.

"Specified materials" means iron or steel which falls within one or more of the following classes:

(i) Iron or steel obtained pursuant to a special sale as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(ii) Top cuts of steel (being that portion of steel in ingot normally discarded as not meeting special quality requirements of the customer's order for which it was melted);

(iii) Bessemer processed steel;

(iv) Sheet mill seconds, rejects and wastes, 23-gauge and heavier;

(v) Tin mill black plate rejects, 23 and 30-gauge;

(vi) Iron or steel obtained from a warehouse (as defined in Conservation Order M-21-b);

(vii) Re-rolled rail steel.

(viii) Scroll-cheer butts and slitter waste;

(ix) Wire shorts and rejects.

Quarterly quotas of iron and steel. Except in fulfillment of preferred orders, no manufacturer shall put into process during any calendar quarter, beginning July 1, 1943, more iron and steel, by weight, in the production of any articles listed in column (2) and parts for such articles, than the percentage specified in column (5) of the average quarterly amount of iron and steel, by weight, put into process by him in the production of such articles and parts during the base period. Unless otherwise noted, the base period production shall include all articles of the type listed in column (2) produced by him in the base period, whether or not they conformed to the limitations of columns (3) and (4).

In addition to his quota as explained above, a manufacturer may put into process in the production of any articles during any calendar quarter any unused part of his previous quarter's quota of iron and steel for such articles.

(1) Class of articles	(2) Permitted type in each class	(3) Restrictions on size, weight, etc.	(4) Permitted metals	(5) Quarterly quotas
Miscellaneous cooking utensils (any utensil containing more than 10%, by weight, of metal which is designed primarily for use in the preparation or cooking of food, whether for household, institutional, commercial, governmental or any other purpose.	Utensils containing more than 10% but less than 20% of metal, by weight.		Iron and steel; plated.....	100% plus 5% for repair parts.
	Frying pans.....	Top diameter—8 to 12 inches, inclusive.	Black steel.....	50%.
	Baking pans of a type designed for household use.		Black steel; only Bessemer, tin mill black plate rejects or material in inventory on July 17, 1943.	July to Sept., 1943—50%; Oct. to Dec., 1943, and thereafter—25%.
	Baking pans of a type designed for use and reuse in commercial bakeries and institutions.		Tin plate and black steel.....	75%.
	Heavy duty roast pans.....	Without covers; capacity—675 cubic inches to 2600 cubic inches, inclusive; two or three reinforcing straps; wired edges.	Black steel.....	35%.
	Pressure canners.....	See Direction 1.	See Direction 1.	See Direction 1.
	Basting spoons.....	Over-all length, 14 to 21 inches, inclusive.	Bessemer steel; plated.....	35%.
	Cake turners.....	Over-all length, 13 to 21 inches, inclusive.	Bessemer steel; plated.....	35%.
	Can openers, household type.		Iron and steel; plated; zinc.....	100%.
	Can openers, institutional type.		Iron and steel; plated; zinc; bronze bearings and bushings.	35%.
	Egg beaters, rotary type.....	Over-all length, 10 inches or more.	Iron and steel; plated.....	35%.
	Flour sieves.....	With wood rims.....	Iron and steel.....	35%.
	Food choppers and grinders.....		Iron and steel; plated; if permitted under Order M-43, or under relief granted pursuant to an appeal from that Order.	75%.
	Food mills.....		Iron and steel; plated.....	35%.
	Ice cream dippers, commercial type.		Iron and steel; plated; die-cast zinc gears.	15%.
Kitchen tools (articles containing more than 5% by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L-140-a), electrical appliances (as governed by Limitation Order L-65), gas appliances and power-driven equipment.	Ice picks.....	Wood handles; metal in ferules and blades only; length of blade, including part in handle—6½ inches or less.	Iron and steel.....	50%.
	Jar wrenches.....	No rubber; not more than 12 oz. of metal.	Iron and steel; plated.....	35%.
	Scoops, commercial type.....	Iron and steel in blade only; Over-all length—6 to 10 inches, inclusive.	Iron and steel; plated; only specified materials or material in inventory on March 26, 1943.	35%.
	Wire strainers.....		Iron and steel; plated.....	35%.
	Wire whips, commercial type.	Over-all length—12 inches or more.	Iron and steel; plated.....	35%.
	Repair parts for any kitchen tool.		Any metal, subject to applicable M. Orders.	5% of metal in such tool in base period.
	Hand clothes wringers.....	Weight—18 pounds or less; not more than 50% of metal, by weight.	Iron and steel.....	30%, plus 5% for repair parts.
	Carpet sweepers.....	Containing 1½ pounds of metal or less.	Iron and steel.....	30%.
	Vacuum bottles and jugs.....		Iron and steel; plated; zinc and aluminum to the extent permitted by applicable M. Orders.	75%.
	Lunch boxes and dinner pails.....	28-gauge or lighter.....	Iron and steel; only specified materials and material in inventory on July 17, 1943.	July-Sept., 1943 and Oct.-Dec. 1943—100%; Jan.-Mar., 1944 and thereafter—75%.
	Miners' dinner pails.....		Iron and steel; tinplate for water compartment only, if permitted under Order M-21-a or under relief granted pursuant to an appeal from that Order.	July-Sept., 1943, and Oct.-Dec., 1943 100% of average quarterly number of units in base period; Jan. to Mar., 1944 and thereafter—75% of same.
	Garment hangers.....		Iron and steel.....	35%.
	Pails, buckets and tubs, except:		Iron and steel; zinc coated.....	Unlimited.
	(i) pails or tubs designed expressly for use as packing or shipping containers; and			
	(ii) dairy pails.....	Metal in hoops, balls, ears, handles and joining hardware only, not exceeding 15% of total weight.		

INTERPRETATION 1: Superseded Jan. 31, 1944.

[F. R. Doc. 44-12507; Filed, August 19, 1944; 11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-36, as Amended
Aug. 19, 1944]

UMBRELLA FRAMES

§ 3291.185 Limitation Order L-36—

(a) *What this order does.* This order states the rules governing the manufacture of umbrella frames and repair parts for them. It sets quotas for the number of frames and repair parts which may be made in each quarter and limits the

number and length of ribs in each frame.

(b) *Definition of "frame".* "Frame" means the framework of an umbrella made out of iron, steel or plastic, including ribs, stretchers, notch, runner, springs, cap, ferrule, tips and connecting hardware.

(c) *How many frames may be made.*

(1) Beginning with the fourth quarter of 1943, no manufacturer shall produce during any quarter more than 9½% of

the frames he made in the calendar year 1941.

(2) A manufacturer may not devote more than 90% of his quota for any quarter to the production of frames designed for a woman's umbrella.

(d) *Specifications for frames.* No manufacturer shall produce any frames which do not meet the following specifications:

(1) No frame for a man's umbrella may have more than 8 ribs.

(2) Ribs for a man's umbrella may not be more than 25 inches in length.

(3) No frame for a woman's umbrella may have more than 10 ribs.

(4) Ribs for a woman's umbrella may not be more than 20 inches in length.

(e) *Repair parts.* Beginning with the fourth quarter of 1943, no manufacturer of frames shall put into process during any quarter more iron and steel in making repair parts for frames than 10% of the iron and steel he is entitled to use in making his quota of frames for that quarter. In computing this amount for repair parts, a dozen umbrella frames shall be considered to use 5.3 pounds of iron and steel.

(f) *Special rule as to parts manufacturers.* No manufacturer of parts for frames shall make or deliver any parts if he knows or has reason to believe that they will not be used as repair parts or in the production of frames in accordance with this order.

(g) *Reports.* On or before January 20, April 20, July 20, and October 20 of each year, beginning January 20, 1944, each manufacturer shall file with the War Production Board Form WPB-1600 (formerly PD-655) showing his production, shipments and inventory of umbrella frames during the preceding quarter. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of umbrella frames to a greater extent than this order, the other order shall govern unless it states otherwise.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(j) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to produce more umbrella frames than the quota fixed in paragraph (c) (1) (including a person who has no quota), and any person who wants to put into process more iron and steel in making umbrella repair parts for frames than the quota fixed in paragraph (e), (including a person who has no quota) may apply for permission to do so as explained in Priorities Regulation 25. The restrictions of paragraph (c) (2) do not apply to umbrella frames made under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the quota restrictions of paragraph (c) (1) and (e) should be filed on Form WPB-1477 (in triplicate) with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the quota restrictions of paragraphs (c) (1) or (e).

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington (25), D. C., Ref: L-36.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12508; Filed, August 19, 1944;
11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-52, as Amended
Aug. 19, 1944]

BICYCLES AND BICYCLE PARTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron or steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.215 *General Limitation Order L-52—(a) Definitions.* For the purposes of this order:

(1) "Bicycle" means any pedal-propelled, non-motor, two-wheeled vehicle.

(2) "Bicycle manufacturer" means any person who manufactures or assembles finished bicycles.

(3) "Parts manufacturer" means any person who manufactures parts or accessories for bicycles.

(4) [Deleted Aug. 19, 1944.]

(5) "Net weight" means the weight of the finished bicycle, exclusive of the weight of tires or tubes.

(6) "Preferred order" means any order or contract for bicycles, parts, or accessories to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development.

(7) "Prohibited materials" means crude rubber and any metal other than iron, unalloyed steel, aluminum, magnesium, silver and gold.

(8) "Parts" means those components in the make-up of bicycles, essentially required for the actual function of locomotion.

(9) "Accessories" means all customary attachments to bicycles other than parts. Neither parts nor accessories shall include anything not customarily attached to the bicycle itself.

(10) "Replacement parts and accessories" means those parts and accessories sold to anyone other than a bicycle manufacturer.

(11) [Deleted Aug. 19, 1944.]

(12) [Deleted Aug. 19, 1944.]

(b) *General restrictions.*

(1) [Deleted Aug. 19, 1944.]

(2) [Deleted Aug. 19, 1944.]

(3) [Deleted Aug. 19, 1944.]

(4) On and after April 1, 1942, no bicycle manufacturer shall manufacture any bicycles which:

(i) Have a net weight greater than 31 pounds;

(ii) Are not built with a diamond-shaped frame, or when intended for use by women, with a drop-shaped frame;

(iii) Have a frame measurement from the center of the crank to the top of the saddle post staff of less than 20 inches.

(iv) Contain any prohibited material, except that:

(a) Chromic acid for plating may be used on seat posts, handle bar stems, adjusting nuts and screws, and cranks;

(b) Zinc-treated wire may be used for spokes;

(c) Lighting equipment may contain such prohibited material as is absolutely necessary to satisfy minimum safety requirements and for which there is no satisfactory substitute;

(d) Casings and tubes of tires may contain such crude rubber as provided by Rubber Order R-1 as amended from time to time.

(v) Have tires or tubes with a diameter greater than 1.375 inches;

(vi) Are equipped with any of the following parts or accessories if those parts or accessories contain any iron or steel or prohibited material: Chain guards, skirt guards, stands, luggage carriers, tanks, truss rods, truss bars, and spring forks: *Provided*, That such minimum amount of iron and steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets, and other joining hardware, for the construction of the above parts or accessories and the fastening of such parts or accessories to the finished bicycle, may be used.

(5) During the three months' period ending June 30, 1942 and for each three months' period thereafter:

(i) No parts manufacturer shall manufacture any replacement part or accessory for bicycles, which contains any prohibited material, except that:

(a) Chromic acid for plating may be used on seat posts, handle bar stems, adjusting nuts and screws, and cranks;

(b) Zinc-treated wire may be used for spokes;

(c) Lighting equipment may contain such prohibited material as is absolutely necessary to satisfy minimum safety requirements and for which there is no satisfactory substitute;

(d) Casings and tubes of tires may contain such crude rubber as provided by Rubber Order R-1, as amended from time to time;

(ii) No parts manufacturer shall use iron or steel or any prohibited material in the manufacture of any of the following replacement parts or accessories for bicycles: chain guards, skirt guards, stands, luggage carriers, tanks, truss rods, truss bars, and spring forks: *Provided*, That such minimum amount of iron and steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets, and other joining hardware, for the construction of the above parts or accessories and the fastening of such parts or accessories to the finished bicycle, may be used;

(iii) No parts manufacturer shall manufacture a greater total of any single replacement part or accessory for bicycles than three times 100% of the average monthly number of such replacement part or accessory manufactured by him in the calendar year 1941; except that a parts manufacturer may manufacture such additional replacement parts and accessories (other than those enumerated in subparagraph (5) (ii)) as he can make from three times 50% of the average monthly amount of iron and steel used by him in 1941 in the manufacture of those parts and accessories enumerated in subparagraph (5) (ii).

(6) Any bicycle or parts manufacturer having preferred orders may exceed any of the foregoing restrictions to the extent required to fill such preferred orders.

(7) [Deleted Aug. 19, 1944.]

(8) [Deleted Aug. 19, 1944.]

(9) No manufacturer shall make or assemble any bicycles except that the following bicycle manufacturers may make and assemble during each calendar month until further notice in writing from the War Production Board the number of bicycles listed opposite their names:

Name of manufacturer:	Number of bicycles
Westfield Manufacturing Co., Westfield, Mass.	6,000
Huffman Manufacturing Co., Dayton, Ohio.	4,000

Provided, That,

(i) If at any time during any given month it is necessary to manufacture military type bicycles on direct order of and for direct delivery to the Army and Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the armed forces of any country including those in the Western Hemisphere pursuant to the Act of March 11, 1942, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), and the manufacture of such military type bicycles at that time would result in the quota of bicycles specified above being exceeded, such quota may be exceeded in any given month to the extent necessary to manufacture such military bicycles, provided that no civilian type bicycles are manufactured thereafter during such month.

(ii) No trade name or trade-mark shall be placed upon any bicycle manufactured after August 31, 1942, pursuant to this paragraph (b) (9). However, the Westfield Manufacturing Company

may place the letter "W" next to the serial number of each bicycle it manufactures, and the Huffman Manufacturing Company may place the letter "H" next to the serial number of each bicycle it manufactures.

(c) [Deleted Aug. 19, 1944.]

(d) [Deleted Aug. 19, 1944.]

(e) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(f) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to make or assemble more bicycles than the quotas fixed in paragraph (b) (9) (including a person who has no quota under the order) and any person who wants to manufacture a greater total of any single replacement part or accessory for bicycles than the quota fixed in paragraph (b) (5) (iii) (including a person who has no quota) may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the quota restrictions of paragraphs (b) (5) (iii) and (b) (9) should be filed on Form WPB-1477 (in triplicate) with the War Production Board, Washington 25, D. C., Ref. L-52. No appeal should be filed from the quota restrictions of paragraphs (b) (5) (iii), or (b) (9).

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington 25, D. C., Ref.: L-52.

(i) *Applicability of other orders.* Insofar as any other order of the War Production Board issued before or after March 12, 1942 limits or curtails to a greater extent than herein provided, the use of any material used in the production of bicycles, replacement parts and accessories, the limitations of such other order shall control.

(j) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No.

1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12513; Filed, August 19, 1944;
11:33 a. m.]

PART 3291¹—CONSUMERS DURABLE GOODS
[Limitation Order L-62, as Amended Aug. 19,
1944]

METAL HOUSEHOLD FURNITURE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron or steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.55¹ *General Limitation Order L-62—(a) Definitions.* For the purposes of this order:

(1) "Metal household furniture" means all household furniture containing more than 5% of metal in the net weight of the finished product (other than such minimum amount of iron or steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets and other joining hardware for the construction and assembly of non-metal structural parts) and including but not limited to:

(i) Metal porch and garden furniture including chairs, tables, gliders, swings, seats, benches, urns, fountains, ornamental wall brackets and hangers, refreshment carts, beach and lawn umbrellas, ornamental awning supports, weather vanes, stands, hammocks, sunshades, chaise longues (with or without wheels), sun tans, couch hammocks, and sand boxes;

(ii) Other metal furniture including tables (folding and non-folding), chairs (folding and non-folding), tea wagons, buffets, dressers, chiffoniers and chiffirobes, vanities, wardrobes, benches, chests, (drawer type), kitchen cabinets and cupboards, undersink cabinets, broom cabinets, utility cabinets, venetian blinds (other than wood venetian blinds containing less than 15 ounces of metal per blind), stools, shoe racks, medicine cabinets, smoking stands and ash trays, radiator covers, porcelain table tops, settees, davenport, table desks, chiffodessks, knee-hole desks, flexible steel mats, metal picture frames and mirror frames, coat and hat racks, under-lavatory closets, clothes hampers, flower vases, and broom racks;

(iii) But not including furniture such as cots, beds, studio couches, sofa beds, bunks, berths (all types), mattresses, and bed springs, or any wood upholstered furniture unless such wood upholstered furniture contains more than 5% of metal in the net weight of the finished

¹ Formerly Part 1122, § 1122.1.

product other than metal contained in springs or wire used in backs, seats, or cushions.

(2) [Deleted Aug. 19, 1944.]

(3) [Deleted Aug. 19, 1944.]

(4) [Deleted Aug. 19, 1944.]

(5) [Deleted Aug. 19, 1944.]

(6) [Deleted Aug. 19, 1944.]

(7) [Deleted Aug. 19, 1944.]

(h) [Deleted Aug. 19, 1944.]

(c) *Prohibition of production after June 30, 1942.* No manufacturer shall after June 30, 1942, process, fabricate, work on or assemble any materials for use in the production of metal household furniture, nor shall any manufacturer produce or assemble any metal household furniture after that date.

(d) [Deleted Aug. 19, 1944.]

(e) [Deleted Aug. 19, 1944.]

(f) [Deleted Aug. 19, 1944.]

(g) *Violations.* Any person who willfully violates any provisions of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Exceptions—(1) Production under Priorities Regulation 25.* Any person who wants to produce or assemble any metal household furniture may apply for permission to do so as explained in Priorities Regulation 25. No appeals should be filed from the provisions of this order.

(i) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: L-62.

(j) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulations, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12514; Filed, August 19, 1944;
11:28 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[General Limitation Order L-65, as Amended
Aug. 19, 1944]

ELECTRICAL APPLIANCES

§ 3291.311 *General Limitation Order L-65—(a) Definitions.* For the purposes of this order:

(1) "Electrical appliances" means only those appliances listed on Schedule A of this order which have as functional parts, electrical heating units (of any wattage) or which are powered by an electrical vibrator or electrical fractional horsepower motor.

(2) "Heating unit" means any electric heating unit designed primarily for use in an electrical appliance or in a domestic type electric range.

(3) "Electrical resistance material" means material in the form of ribbon or wire to be incorporated in heating units, in which either nickel or chromium or both, are used to create electrical resistance for the development of heat.

(4) "Manufacturer" means any person engaged in the business of manufacturing or assembling any heating units, electrical appliances or parts for such appliances, including a person who assembles parts of an electrical appliance for sale in knock-down form.

(5) "Distributor" means any person engaged in the business of transferring heating units, electrical appliances or parts for such appliances to his retail outlets or to other dealers.

(6) "Dealer" means any person engaged in the business of transferring or repairing heating units, electrical appliances or parts for such appliances to or for ultimate consumers.

Any person who acts in more than the single capacity of manufacturer, distributor or dealer as defined in paragraphs (a) (4), (a) (5) and (a) (6) of this order shall for the purposes of this order be deemed a manufacturer, distributor or dealer, depending upon the capacity in which he acts in each specific transaction.

(7) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(8) "Repair or replacement part" means any heating unit for a domestic electric range or any heating unit or other part (except cord sets) for an electrical appliance when such heating unit or part is not produced for use in the manufacture or assembly of any new electrical appliance or new domestic electric range. This order does not control the production or delivery of cord sets produced or delivered for use as repair or replacement parts. Such cord sets are controlled by Limitation Order L-277.

(9) "Current-carrying parts" include only the following parts: Heating units, thermostats and temperature controls, relays, lead-in and connection wires, switches, terminals, fuses, receptacles and parts of motors which conduct electric current, but shall not include cord sets.

(b) *General restrictions on production.* (1) On and after June 17, 1943, no manufacturer shall produce any new electrical appliance (or parts therefor)

other than repair or replacement parts, except:

(1) The following new electrical appliances (or parts therefor) may be produced in fulfillment of preferred orders: Coffee makers, flat irons, air heaters, water heaters, and commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.

(2) During the period beginning June 17, 1943, and ending September 30, 1943, inclusive, and during each three months period thereafter, a manufacturer may produce for other than preferred orders as specified in paragraph (b) (1) (1) above, no more units of any of the following types of new electrical appliance (or parts therefor) than 10% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940: Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers; *Provided*, that no manufacturer shall produce any units of any type of new electrical appliance (or parts therefor) listed in this paragraph (2) if such production will result in an accumulation of inventory of that particular type of new electrical appliance (or parts therefor) greater than 15% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940.

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any new electrical appliances, or parts therefor (whether or not in fulfillment of preferred orders) specified in paragraph (b) (1) of this order, except for such minimum amounts as are necessary for the conduction of electric current or essential to the proper functioning of parts.

(c) *Restrictions on transfer of new electrical appliances.* On and after June 17, 1943, no manufacturer shall transfer the physical possession of or title to any new electrical appliance manufactured after that date, except

(1) In fulfillment of preferred orders.

(2) Pursuant to specific authorization of the War Production Board on Form WPB-1319 pursuant to an application filed on said Form. Form WPB-1319 should be filed with the nearest field office of the War Production Board for all orders except for export, and with the Foreign Economic Administration, Washington 25, D. C. for export orders.

(d) *Repair or replacement parts.* (1) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any repair or replacement parts, other than the specific parts listed on the following table, or any part thereof:

Type of equipment

Air heaters-----
Commercial permanent wave equipment and commercial hair driers.

Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.

Heating units for domestic electric ranges-----
Hotplates and disc stoves-----
Roasters-----

Repair or replacement parts for which copper or copper base alloys are permitted

Current-carrying parts.
Current-carrying parts, other than copper or copper base alloy disposable grids for permanent wave equipment.
Current-carrying parts and motor bearings where the use of other material is impracticable.

Current-carrying parts.
Current-carrying parts.
Current-carrying parts.

(1) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L-65.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

The following is the list of electrical appliances specified in paragraph (a) (1) of this order:

Air Heaters (except as covered by L-107 and L-158)
Aquarium Heaters
Baking Ovens
Barbecue Machines
Biscuit and Muffin Bakers
Blankets
Bottle Warmers
*Bread Slicers (except as covered by L-83)
Bread Toasters (except as covered by L-182)
Broilers
Casseroles
Chafing Dishes
Choppers, food and meat
Cigar and Cigarette Lighters
Clothes Driers
Coffee Makers
Coffee Mills
Coffee Roasters
Commercial Cooking and Food and Plate Warming Equipment
Corn Poppers
Curling Irons
*Dishwashing Equipment (domestic)
Double Boilers
Doughnut Cookers
Dry Shavers
Egg Boilers
Face and Hand Driers
Fan Type Heaters (except as covered by L-107 and L-158)
Faucet Heaters
Fly Screens and Traps
Fireplaces
Food Choppers and Slicers
Food Conveyance Equipment
Food Cooking Equipment
Food Grinders
*Food Mixers
*Food Preparation Machinery
Food Servers
Fry Kettles
Griddles
Grills
Hair Clippers
Hair Driers
Heating Pads
Hedge Clippers
Hotplates and Disc Stoves
Ice Cream Freezers, Domestic
**Immersion Heaters
*Juice Extractors
Knife Sharpeners and Grinders
Massage Vibrators
*Meat, Fish and Bone Cutters
Neckwear and Trousers Pressers
Ovens (except as covered by L-182)
Peanut Roasters
Percolators
Permanent Wave Equipment
Popcorn Machinery
Portable Air Heaters
Pyrographic Pencils
Radiant Heaters
Ranges, Commercial (except as covered by L-182)
Roasters
Roasting Ovens
Sandwich Toasters
Soup Cookers
Steak and Meat Tenderizing Equipment

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of repair and replacement parts in fulfillment of preferred orders, except for such minimum amounts necessary for the conduction of electric current or essential to the proper functioning of parts.

(3) [Deleted June 29, 1944.]

(4) On and after June 17, 1943, no manufacturer shall produce any repair or replacement parts if he has, or as a result of such production will have, more parts of such type in his inventory than the number of parts of such type which he sold during the preceding six calendar months.

(5) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer or distributor shall transfer any repair or replacement parts unless a similar used part has been delivered to him in exchange therefor, or unless he has been informed that a similar used part is being held or will be secured by the dealer or distributor to whom the new part is being transferred, or has been disposed of in accordance with this paragraph. The used parts shall be held subject to disposition at the direction of the manufacturer or distributor who transferred the new part. If no such direction is given within 60 days, the person holding the used part shall promptly dispose of it through regular scrap channels.

(e) *Restriction on use or transfer of electrical resistance material.* On and after June 17, 1943, no manufacturer shall use in the production of heating units or transfer for any purpose whatsoever, any electrical resistance material except pursuant to specific authorization of the War Production Board on Form WPB-1319. Application on that form should be filed with the War Production Board, Washington 25, D. C., Ref.: L-65.

(1) [Deleted Feb. 19, 1944]

(2) [Deleted Feb. 19, 1944]

(f) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of electrical appliances, heating units, or repair or replacement parts, any inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(g) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in

the production of electrical appliances, heating units, or repair or replacement parts to a greater extent than the limits imposed by this order, the provisions of such other order shall govern unless otherwise specified therein.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(i) *Reports.* Every manufacturer affected by this order shall execute and file Form WPB-1600 (formerly PD-655) with the War Production Board, Washington 25, D. C., Ref.: L-65, on or before the 10th day following the close of each calendar month.

(j) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to produce any electrical appliance (or parts therefor), the production of which is prohibited or restricted by paragraphs (b) (1) (i), (b) (1) (ii), or (d) (4), may apply for permission to do so as explained in Priorities Regulation 25. Transfers of physical possession of or title to any new electrical appliance are not subject to the restrictions of paragraph (c), if authorization to manufacture is obtained under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraphs (b) (1) (i), (b) (1) (ii), or (d) (4), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (b) (1) (i), (b) (1) (ii), or (d) (4).

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Steam Tables
 **Steamers
 Stock Pots
 **Strip Heaters
 Table Stoves
 Tea Kettles
 **Unit Heaters
 Urns
 Vibrators
 **Vane Heaters
 Waffle Irons

*Only those using a fractional horsepower motor.

** Except for industrial applications.

[F. R. Doc. 44-12515; Filed, August 19, 1944;
 11:28 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
 [Supplementary Limitation Order L-65-a, as
 Amended Aug. 19, 1944]

ELECTRIC IRONS

§ 3291.316 *Limitation Order L-65-a—*

(a) *What this order does.* This order controls the manufacture and delivery of electric irons. It provides for the resumption of production of these items on a limited basis. Notwithstanding the provisions of Limitation Order L-65, no person shall manufacture any electric irons except under the terms of this order.

(b) *Definition.* For the purpose of this order: "Electric iron" means any portable iron designed primarily to be used in ironing or pressing wearing apparel and having a self-contained heating element in which heat is generated by the passage of electricity.

(c) *Production of electric irons.* (1) No person shall make any electric irons except in models and quantities specifically authorized by the War Production Board on Form CMPL-150-b. Application should be made by filing Form WPB-3550.1 with the field office of the War Production Board for the district in which the plant where the irons are to be made is located.

(2) Each person who has a production quota assigned on Form CMPL-150-b may make in addition to that quota, electric irons in approved models to fill purchase orders or contracts calling for delivery to or for the account of the U. S. Army, Navy, Maritime Commission or the War Shipping Administration. Irons may not be made to fill even these orders by any person who has not been assigned a production quota.

(3) Manufacture of electric irons will be permitted only if labor is available and if such production can be made without interference with existing or potential war contracts. Wherever practical, each manufacturer will be permitted under paragraph (c) (1) to make his pro rata share of the total production authorized, based on his production during 1940. However, to insure full production of approved requirements, the War Production Board may assign additional quotas to qualified manufacturers. In general, no single manufacturer will be authorized to produce more than one model of the automatic type and one model of the non-automatic type. Approval of models will be based largely on economy of

production and the volume of production of the individual models by a manufacturer during 1940. The War Production Board will, from time to time or on request of any manufacturer, give notice to all manufacturers of the total production authorized and the percentage of his 1940 production authorized to each individual manufacturer.

(4) Manufacturers who made electric irons in 1940 and who are unable to produce because of interference with war work may apply to the War Production Board for permission to have another person make irons for them. Each application should be made by filing Form WPB-3550.1 in accordance with its instructions.

(d) *Restriction on production of certain parts.* No person other than those authorized to make electric irons on Form WPB-3550.1 shall make any sole plates (either cast, stamped or forged) or handles for electric irons, in a Group I labor area, except as permitted by the nearest field office of the War Production Board in writing.

(e) *Distribution.* It is the policy of the War Production Board that each manufacturer shall distribute his production through his normal distribution channels, taking into consideration shipments to areas during 1941, immigration of workers to certain areas, and such other factors as will provide equitable distribution to meet essential needs. The War Production Board may direct the distribution of specified amounts from any manufacturer's production to meet emergencies.

(f) *Preference ratings for purchase of electric irons prohibited.* No preference rating for electric irons shall be valid for any purpose. All orders bearing preference ratings may be filled as unrated orders. This does not apply to any purchase order or contract calling for delivery to or for the account of the U. S. Army, Navy, Maritime Commission or the War Shipping Administration.

(g) *Reports.* Every manufacturer producing electric irons shall file Form WPB-1600, executed in accordance with the instructions for filing that form, with the War Production Board, Washington 25, D. C., Ref: Order L-65-a, on or before the 15th day of April, July, October and January. This form is a report of the number of electric irons made and shipped during the preceding quarter.

(h) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of electric irons to a greater extent than does this order, the other order shall govern unless it states otherwise.

(i) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may

be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to make electric irons and who has not been authorized to make them on Form CMPL-150-b (whether or not he made them in 1940), and any person who wants to make more electric irons than he was authorized to make on CMPL-150-b may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply on Form WPB 3550.1 for an authorization. Also a person located in a Group I labor area who wants to make sole plates or handles or who wants to make more sole plates or handles than he has been authorized by the War Production Board under paragraph (d) may apply for permission to do so under Priorities Regulation 25.

(2) *Appeals.* Any appeals from the provisions of this order other than paragraph (c) and (d) should be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeals should be filed from the provisions of paragraph (c) and (d).

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-65-a.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
 By J. JOSEPH WHELAN,
 Recording Secretary.

[F. R. Doc. 44-12516; Filed, August 19, 1944;
 11:23 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
 [Limitation Order L-67, as Amended
 Aug. 19, 1944]

LAWN MOWERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron or steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.225 *General Limitation Order L-67—(a) Definitions.* For the purposes of this order:

(1) "Lawn mower" means a machine mounted on wheels or rollers used for cutting grass or weeds by means of the

shearing or cutting action of a rotating, revolving, or reciprocating blade, but excluding machines used principally for harvesting or cutting crops. The term includes sickle bar mowers having bars 4 ft. or less in length; it does not include sickle bar mowers having bars more than 4 ft. in length.

(2) "Iron and steel used" means the aggregate weight of iron or steel contained in the finished lawn mowers.

(3) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, engaged in the production of lawn mowers.

(4) "Production" means the fabrication or processing of material for lawn mowers or the assembly of finished parts into lawn mowers.

(b) [Deleted July 21, 1944]

(c) *Prohibition of production.* No manufacturer shall process, fabricate, work on or assemble any materials for use in the production of lawn mowers, nor shall any manufacturer produce or assemble any lawn mowers, except gang mowers on direct order from and for delivery to the Army or Navy of the United States, the United States Maritime Commission, or the Armed Forces of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act): *Provided*, That during any three months' period beginning May 1, 1944, and until further notice from the War Production Board, no manufacturer shall use in the production of gang mowers more iron and steel in the aggregate than the amount of iron and steel in the aggregate used by him in the production of gang mowers during the three months' period from April 1, 1942 through June 30, 1942, inclusive.

(d) [Deleted July 21, 1944]

(e) [Deleted July 21, 1944]

(f) [Deleted July 21, 1944]

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) [Deleted July 21, 1944]

(i) *Exceptions and appeals.* Any person who wants to produce or assemble any lawn mowers (including gang mowers) the production of which is prohibited or restricted by paragraph (c), and any person who wants to use more iron and steel in the production of gang mowers than the quota fixed in paragraph (c) (including a person who has no quota under this order), may apply for permission to do so as explained in

Priorities Regulation 25. Authorizations for production will be granted under that regulation, subject to the conditions there outlined, and no appeals should be filed from the restrictions of the order.

(j) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington 25, D. C. Ref.: L-67.

(k) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in making lawn mowers to a greater extent than this order does, the other order shall govern.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12517; Filed, August 19, 1944;
11:28 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-71, as Amended Aug. 19, 1944]

DRY CELL BATTERIES AND PORTABLE ELECTRIC LIGHTS OPERATED BY DRY CELL BATTERIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and certain facilities used in the production of dry cell batteries, zinc shells for dry cell batteries and portable electric lights for defense for private account and for export and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.125 *Limitation Order L-71—*
(a) *Definitions.* For the purpose of this order:

(1) "Circular C435" means Circular C435 of the National Bureau of Standards, issued February 18, 1942, entitled "American Standard Specification for Dry Cells and Batteries."

(2) "Dry cell battery" means any primary cell or assembly of cells in which the electrolyte is nonspillable and in which electric current is produced by electrochemical action.

(3) "Portable electric light" means any flashlight or other portable electric light operated by one or more dry cell batteries. It does not include bulbs, dry cell batteries, electric flares covered by L-158, aviation ground lighting equipment covered by L-235, aircraft lighting equipment covered by L-327, or devices specifically designed and built for use in military operations, marine navigation or lifesaving.

(4) "Manufacturer" means any person engaged in the business of making or assembling dry cell batteries, zinc shells for dry cell batteries or portable electric lights.

(b) *Restrictions on use of materials in the manufacture of portable electric lights.* No manufacturer shall use any metal or crude, reclaimed or synthetic rubber in the manufacture of portable electric lights or parts for portable electric lights, except

(1) Iron and steel, provided that no steel except tin mill blackplate rejects and wasters is used in the manufacture of tubes for flashlight cases.

(2) Aluminum.

(3) Copper and copper base alloy for plating current carrying parts other than cases.

(4) Tin in solder.

(5) Zinc for plating, electrical contact fittings and reflectors.

(6) Crude, reclaimed or synthetic rubber as permitted by Rubber Order R-1.

(c) *General restrictions on production and delivery.* (1) No manufacturer shall make or deliver any dry cell batteries or portable electric lights except according to a quota authorized by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer must file this form with the War Production Board on or before the 10th day of March, June, September and December, showing his proposed production and delivery.

(3) Manufacture of portable electric lights will be authorized to qualified manufacturers so that total production will not exceed the approved War Production Board program and so that production in any one plant or labor requirements therefor will not interfere with the war production in that plant or in any plant located in the same area.

(4) The War Production Board when assigning quotas on Form WPB-2719 (formerly PD-880) or at any other time, may direct any manufacturer in writing to distribute specified amounts of his production for certain purposes or for certain end uses. If at any time the War Production Board finds that the supply of zinc shells for the production of dry cell batteries authorized under paragraph (c) (1) is not sufficient to complete that production, it may direct any manufacturer of dry cell batteries to reduce or cancel his orders for zinc shells, or it may limit the number and type of zinc shells which may be received and used by such manufacturer.

(d) *Special restrictions on delivery.* (1) No manufacturer shall sell any new portable electric lights except to fill orders rated AA-5 or higher.

(2) No person shall resell any new portable electric lights which he bought from a manufacturer after July 18, 1944, except to fill orders rated AA-5 or higher or orders certified under Priorities Regulation No. 19 as amended from time to time.

(3) No manufacturer shall sell any dry cell batteries knowing or having reason to believe that they will ultimately be used in a radio set designed primarily for the reception of broadcasts on standard wave lengths 550 to 1500 KC, except (1) Batteries having cells designated "D" in Table 1 of Circular C435 with modifications as permitted in section 2.2 of that circular, or larger sized cells than those

—designated "D", (ii) "C" batteries as described in Table 8 of Circular C435.

(e) *Special exemptions.* The restrictions contained in paragraphs (b) and (d) do not apply to the manufacture or sale of dry cell batteries or portable electric lights made to fill specific orders calling for delivery to or for the account of the Army, Navy, Maritime Commission, War Shipping Administration, Office of Scientific Research and Development, Panama Canal, Coast and Geodetic Survey, or orders approved by the Maritime Commission on Form WPB-646 (formerly PD-300).

(f) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other orders of the War Production Board limits the use of any material in the production of dry cell batteries or portable electric lights to a greater extent than does this order, the other order shall govern unless it states otherwise.

(g) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to make more dry cell batteries or portable electric lights than he has been authorized to make on Form WPB-2719 under paragraph (c) (1), and any person who has received no such authorization may apply for permission to do so as explained in Priorities Regulation 25. Sale and other restrictions of the order and any direction to it, with the exception of the manufacturing restrictions of paragraph (c), must be complied with even when authorization to manufacture is obtained under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the manufacturing restrictions of paragraph (c), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the manufacturing restrictions of paragraph (c).

(h) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making, or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-71.

(j) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12518; Filed, August 10, 1944;
11:29 a. m.]

PART 3291¹—CONSUMERS DURABLE GOODS
[General Limitation Order L-93, as Amended
Aug. 19, 1944]

GOLF CLUBS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.240¹ *General Limitation Order L-93—(a) Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person engaged in the business of producing golf clubs or parts for golf clubs.

(2) [Deleted Aug. 19, 1944.]

(3) [Deleted Aug. 19, 1944.]

(b) *General restrictions.* No manufacturer shall make or assemble any golf clubs or parts for golf clubs. However, parts which were in a manufacturer's inventory on October 12, 1942, may be used for the repairing of used golf clubs.

(c) [Deleted Aug. 19, 1944.]

(d) [Deleted Aug. 19, 1944.]

(e) [Deleted Aug. 19, 1944.]

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Exceptions and appeals.* Any person who wants to make or assemble any golf clubs or parts for golf clubs may apply for permission to do so as explained in Priorities Regulation 25. No appeals should be filed from the restrictions of this order.

(h) *Applicability of other orders and regulations.* This order and all transac-

¹ Formerly Part 1179, § 1179.1.

tions affected by it are subject to all applicable regulations and orders of the War Production Board.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref: L-93.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12518; Filed, August 19, 1944;
11:23 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-104, as Amended,
Aug. 19, 1944]

METAL HAIR PINS AND METAL BOB PINS

§ 3291.260 *Limitation Order L-104—*

(a) *What this order does.* This order states the rules governing the manufacture of metal hair pins and bob pins. It sets quotas for the use of steel in each quarter and also limits the length of each hair pin and bob pin which may be made and the number which may be packaged together.

(b) *How much steel may be used.* (1) No manufacturer shall use more steel in making hair pins and bob pins than the amount stated below. In each quarter he is limited to a percentage of the steel he used in 1941, the base year. For this purpose the net weight of all the metal hair pins and bob pins made is considered the amount of steel used.

(2) [Deleted Aug. 19, 1944.]

(3) In the quarter from January 1 to March 31, 1944, and in each later quarter, a manufacturer's quota is 12½% of the steel he used in 1941; in other words he may not use steel at a rate greater than 50% of his average rate for 1941.

(4) If a manufacturer is unable to complete in any quarter his full quota of hair pins or bob pins, he may use any unused balance in the first month of the next quarter. This is in addition to his quota for that quarter.

(c) *Special restrictions on manufacturing and packaging.* (1) No manufacturer shall make hair pins or bob pins of any metal other than carbon steel.

(2) No manufacturer shall make any metal hair pins or bob pins more than two inches long.

(3) No manufacturer shall sell any metal hair pins or metal bob pins in packages or on cards containing more than 100 hair pins or bob pins.

(d) *Reports.* On January 21, April 20, July 20, and October 20 of each year, beginning October 20, 1943, each manufacturer of metal hair pins and metal bob pins shall file with the War Production Board a report on Form WPB-1600 (formerly PD-655) showing his production and shipments for the preceding quarter. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. In so far as any other order of the War Production Board limits the use of any material in the production of metal hair pins and metal bob pins to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to use more steel in making hair pins and bob pins than he is permitted to use by paragraph (b) (including a person who has no quota under this order) may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraph (b), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b).

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumer's Durable Goods Division, Washington 25, D. C., Ref: L-104.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12520; Filed, August 19, 1944;
11:29 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-140-b, as Amended,
Aug. 19, 1944]

FLATWARE AND HOLLOW WARE

§ 3291.176 Limitation Order L-140-b—

(a) *Definitions.* For the purposes of this order:

(1) "Restricted flatware" means knives, forks, spoons and similar implements used for eating or serving food at the table, which have metal blades, tines or bowls as well as handles made of metal.

It does not include gold or sterling silver flatware, knives with sterling silver or gold handles and steel blades, carving sets, or articles of cutlery covered by Order L-140-a, or any order in the L-30 series.

(2) "Restricted hollow ware" means all articles commonly known as hollow ware in the trade, containing any metal. It does not include gold or sterling silver hollow ware or flatware or any articles covered by any order in the L-30 series, or electrical appliances covered by Order L-65.

(3) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and orders authorized by the Maritime Commission on Form WPB-646. A purchase order placed with a manufacturer by a distributor or dealer to replace in inventory flatware or hollow ware sold on a preferred order, is also a preferred order. Orders from Post Exchanges, Ships' Service Stores, Officers' and Enlisted Men's Service Clubs on military or naval reservations are not preferred orders.

(4) "Manufacturer" means any person engaged in the business of making, assembling or plating any restricted flatware or restricted hollow ware or any parts for such ware.

(5) "Distributor" means any person or firm other than a retail dealer engaged in the business of selling restricted flatware or restricted hollow ware not manufactured by that firm.

(b) *Restriction on the production of restricted flatware.* (1) No person shall manufacture any restricted flatware for any orders except according to a quota approved by the War Production Board on Form WPB-2719, which must be filed with the War Production Board, Washington 25, D. C., Ref: L-140-b, on or before the 15th day of November, February, May and August. When one person makes restricted flatware and another person plates it, this restriction applies only to the first person.

(2) The War Production Board will assign production quotas to meet approved requirements. Total production which would exceed such requirements will not be authorized. No person will be authorized to produce flatware if that production would interfere with his or other war production. Production will be authorized so as to avoid increased labor requirements in labor shortage areas. The War Production Board will give notice to each manufacturer of the total and individual authorizations.

(c) *Restrictions on production of restricted hollow ware.* (1) No manufacturer shall make or assemble any restricted hollow ware.

(2) The restrictions of paragraph (c) (1) do not apply to restricted hollow ware made to fill preferred orders actually received.

(d) *No specifications for restricted flatware for preferred orders.* Restricted flatware made to fill preferred orders

may be made from any material and according to any specifications called for in the preferred order.

(e) *Metal restrictions and specifications for restricted flatware for other than preferred orders.* (1) No person shall use any metal in the manufacture of restricted flatware made for other than preferred orders, except metals listed in Schedule A.

(2) No manufacturer shall make any restricted flatware for other than preferred orders except knives, dessert size forks, dessert spoons and teaspoons.

(3) All carbon steel silver plated restricted flatware made for other than preferred orders shall be plated with an undercoating of nickel of an average thickness of 0.0002 inch and the whole metal coating of nickel and silver shall be of an average thickness of not less than 0.0005 inch.

(4) Restricted flatware made for other than preferred orders shall not be made of any metal of a lighter gauge than 0.050 inch for teaspoons, 0.055 inch for dessert spoons and 0.065 inch for dessert forks.

(f) *Distribution of stainless steel restricted flatware.* (1) No manufacturer or distributor shall sell any stainless steel restricted flatware except to fill preferred orders, or to manufacturers, distributors, hospitals, institutions for the aged, sick or poor, prisons, educational institutions, orphanages, hotels, restaurants, canteens, clubs, cafeterias, lunch rooms, lunch counters, and public eating places (including those operated by common carriers), Officers, and Enlisted Men's Service Clubs; and the following Post Exchanges and Ship's Service Departments for use on the premises in eating places operated by them: U. S. Army or Marine Corps Post Exchanges, U. S. Navy or Coast Guard Ship's Service Departments, and War Shipping Administration Training Organization Ship's Service activities.

(2) No manufacturer or distributor shall sell stainless steel restricted flatware for export, except to Officers' and Enlisted Men's Service Clubs and to the Post Exchanges and Ship's Service Departments listed in paragraph (f) (1) for use on the premises in eating places operated by them.

(g) *Reports.* Each manufacturer shall file Form WPB-2719 (formerly PD-880) showing the amount of restricted flatware manufactured according to the instructions accompanying that form.

(h) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of flatware and hollow ware to a greater extent than does this order, the other order shall govern unless it states otherwise.

(i) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is

guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-140-b.

(k) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to manufacture more restricted flatware than he has been authorized to manufacture on Form WPB-2719 under paragraph (b) (1), and any person who wants to make any restricted hollow ware for other than preferred orders, or any restricted flatware not listed in paragraph (e) (2), may apply for permission to do so as explained in Priorities Regulation 25. The delivery of restricted flatware or hollow ware so produced is not restricted by this order. A person may still, of course, apply on Form WPB-2719 under paragraph (b) (1) for authorization to manufacture restricted flatware.

(2) *Appeals.* Any appeal from the provisions of this order, other than the quota restriction of paragraph (b) and the restrictions of paragraphs (c) (1) and (e) (2), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (b) (1), (c) (1), or (e) (2).

NOTE: The application and reporting requirements in this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—

Iron.
Carbon steel.
Straight chromium stainless steel.
Chromium nickel stainless steel (if in manufacturer's inventory on November 5, 1943, or obtained by him pursuant to Priorities Regulation No. 13).
Gold.
Silver (for plating).
Sterling silver.
Nickel (for plating).
Chromium (for plating).
Copper (for copper silver strike).
Aluminum.
Magnesium.

[F. R. Doc. 44-12521; Filed, August 19, 1944;
11:29 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [Limitation Order L-227, as Amended Aug. 19, 1944]

FOUNTAIN PENS AND MECHANICAL PENCILS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and certain facilities used in the production of fountain pens and mechanical pencils for defense, for private account and for export, and it is deemed necessary and appropriate in the public interest and to promote the national defense to continue restrictions on the production of those articles but to modify the restrictions by assigning individual quotas to producers, instead of a general percentage of 1941 production, so as to give small producers a proportionately larger share in the production, to adjust production in the light of critical shortages of manpower in certain areas, and to adjust production on account of changes since 1941 with respect to location of plants and nature of products. At the same time materials restrictions are being somewhat relaxed to permit the use of certain materials which have become less scarce.

§ 3291.210 *Limitation Order L-227—*
(a) *Effect on outstanding authorizations.* This order and the quotas assigned in Schedule A supersede all authorizations for the manufacture, assembly or delivery of fountain pens or mechanical pencils granted by the War Production Board, on appeal or otherwise, before April 1, 1944.

(b) *Definitions.* For the purposes of this order:

(1) "Fountain pen" means a writing device which can hold more fluid than that retained by capillary attraction on the surface of its pen nib. A dip pen is a fountain pen whether or not a pen nib is attached to it.

(2) "Mechanical pencil" means a writing instrument having a movable core of marking material encased in a housing.

(3) "Part" means any part made specifically for incorporation into a fountain pen or mechanical pencil.

(4) "Special order" means any purchase order, contract or subcontract calling for delivery:

(i) To or for the account of the Jersey City Quartermaster Depot of the United States Army, bearing Symbol No. W-1913-QM or 28-021-QM; or to or for the account of the Procurement and Accounting Division of the Office of the Secretary of War, or to or for the account of the Corps of Engineers of the United States Army for civilian functions;

(ii) To or for the account of the Navy (including ship service stores and Marine Post Exchanges);

(iii) To or for the account of the Maritime Commission or War Shipping Administration;

(iv) Outside the United States, its territories and possessions if it bears an export license issued by the Foreign Economic Administration.

(5) "Civilian production" means production of fountain pens or mechanical pencils for any order, contract or subcontract not included in special orders. It includes production for inventory other than production for anticipated special orders as permitted by this order. It does not include production for direct orders from Army Post Exchanges, and such orders may not be filled at all.

(c) *Restrictions on manufacture and delivery of fountain pens and mechanical pencils.* (1) During the calendar quarter beginning April 1, 1944, and during each calendar quarter after that until further notice from the War Production Board, no manufacturer shall make, assemble, or deliver any fountain pens or mechanical pencils for any purpose, except that each manufacturer listed on Schedule A may make or assemble at the location listed on that schedule and may deliver the quota of pens and pencils indicated after his name on the schedule for special orders and civilian production respectively.

(2) Any manufacturer who is not assigned a quota on Schedule A but who actually produced fountain pens or mechanical pencils during the first calendar quarter of 1944, in compliance with applicable orders and regulations of the War Production Board, is hereby assigned a provisional production and delivery quota during the second calendar quarter of 1944 only, for combined civilian production and special orders of one-half the amount of fountain pens and mechanical pencils, respectively, actually made by him during the first quarter of 1944. Any such manufacturer, and any other manufacturer who is not assigned a quota on Schedule A, may file an application with the War Production Board for a quota. Also, a manufacturer who wishes a quota increased or who wishes to manufacture at a location other than the one listed on the schedule may make application.

(d) *Materials restrictions for fountain pens, mechanical pencils and parts.* No person shall use any copper, copper base alloy, or crude, reclaimed or synthetic rubber in the manufacture of fountain pens, mechanical pencils or parts except:

(1) Copper in the production of silver or 14 karat gold pen nibs; and

(2) Crude, reclaimed or synthetic rubber as permitted in Rubber Order R-1, as amended, or any relief granted on appeal under that order.

(e) *Special restrictions on plating.* No person shall use in the manufacture of fountain pens, mechanical pencils or parts, any plating, coating or other metal finish containing:

(1) Tin, cadmium or nickel; or
(2) Copper unless permitted by Order M-3-c.

(f) *Distribution of civilian production.* In any case where a distributor of fountain pens or mechanical pencils either under his own brand name or under the name of the manufacturer is unable to get what he considers an equitable share of the civilian production of fountain pens or mechanical pencils he may apply to the War Production Board on Form WPB-547 for a rating.

(g) *Special restrictions on purchase and sale of fountain pen parts.* No person shall buy or accept delivery of any fountain pen parts except for the manufacture, production and assembly of fountain pens (including dip pens) as permitted by this order or for use or resale as repair parts. No person shall sell or deliver any fountain pen parts if he knows or has reason to believe that the purchaser is getting them in violation of this provision.

(h) *Reports.* Each manufacturer who makes fountain pens or mechanical pencils shall file within 15 days after the close of each calendar quarter a report of his production on Form WPB-1600 in accordance with the filing instructions for that form.

(i) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to make, assemble, or deliver more fountain pens and mechanical pencils than his quota as fixed in Schedule A, or who wishes to make, assemble or deliver any of those products in a plant at a different location than is stated in that Schedule; and any person who does not have a quota for the manufacture of fountain pens and mechanical pencils under this order may apply for permission to manufacture, assemble and deliver fountain pens and mechanical pencils as explained in Priorities Regulation 25. Applications for quotas or, for increase of quotas, may, of course, still be made under paragraph (c) (2).

(2) *Appeals.* Any appeal from the provisions of this order, other than the quota restrictions in paragraph (c), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the quota restrictions of paragraph (c).

(k) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject

to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of fountain pens and mechanical pencils to a greater extent than does this order, the other order shall govern unless it states otherwise.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C.; Ref: L-227.

NOTE: The reporting requirements in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

(1) Pursuant to paragraph (c) of Limitation Order L-227, the following production and delivery quotas for fountain pens and mechanical pencils are hereby established for the calendar quarter beginning April 1, 1944, and for each calendar quarter after that until

further notice from the War Production Board.

(2) Each manufacturer listed may make and deliver the number of fountain pens and mechanical pencils set forth opposite his name for special orders and civilian production respectively.

(3) Quotas for special orders, include special orders actually on hand and received and also anticipated special orders, but the amount made for anticipated special orders by any one manufacturer listed may not in any event exceed 50% of his quarterly production quota for civilian production.

(4) Manufacturers may make their quotas only at the locations stated on the Schedule.

(5) In assigning production and delivery quotas the War Production Board has been guided by the following general policies:

(i) Manufacturers in Group 1 and Group 2 labor areas and manufacturers whose facilities are substantially engaged in war work have not been assigned quotas which would permit them to increase their production above the amounts actually produced in the fourth calendar quarter of 1943.

(ii) Small manufacturers producing less than 100,000 units in 1941 have been given a larger percentage of their pre-war production than larger manufacturers.

(iii) The War Production Board has attempted to allocate production to fill special orders so that all manufacturers making a pen or pencil which will satisfy military requirements will have a chance to secure special order business.

FOUNTAIN PENS

Name of firm	Location of plant	Production and delivery quotas for civilian production	Production and delivery quotas for special orders
Adler Pen & Pencil Co.	395 Broadway, New York City	25,000	Unlimited
Arnold, R. L. Pen Co., Inc.	143 E. Washington St., Petersburg, Va.	197,250	247,600
Associated Pen Co.	45 E. 20th St., New York City	123,250	Unlimited
Avon Products Co.	49 W. 23d St., New York City	200,250	Unlimited
Barret, C. E. & Co.	315 S. Peoria St., Chicago, Ill.	18,250	10,000
Camel Pen Co.	2300 Morris Ave., Union, N. J.	6,250	0,250
Cooper Pen & Pencil Co.	Northvale, N. J.	11,000	10,000
Eagle Pencil Co.	703 E. 13th St., New York City	221,500	Unlimited
Eberhard Faber Pencil Co.	37 Greenpoint Ave., Brooklyn, N. Y.	170,750	Unlimited
Essex Corporation	Charlottesville, Va.	200,500	Unlimited
Esterbrook Steel Pen Mfg. Co.	Delaware Ave. & Cooper St., Camden, N. J.	142,000	01,000
Eversharp, Inc.	1800 Roscoe St., Chicago, Ill.	155,000	214,500
Frank Feldman	Nassau, N. Y.	81,500	Unlimited
Gilbert & Miller, Inc.	693 Broadway, New York City	6,750	Unlimited
Gilfred Corporation	26 W. 17th St., New York City	10,500	Unlimited
Graphomatic Corporation	155 N. Clark St., Chicago, Ill.	1,500	1,000
Gregory Fount-O-Ink Co.	3501 Eagle Rock Blvd., Los Angeles, Calif.	11,000	11,000
Grodin Pen & Pencil Co.	344 Foster Ave., Brooklyn, N. Y.	25,000	Unlimited
J. Harris & Co.	115 E. 23d St., New York City	69,000	Unlimited
Hutcheon Bros.	241 Centre St., New York City	2,750	Unlimited
Inkograph Co.	200 Hudson St., New York City	60,500	Unlimited
David Kahn, Inc.	Grand Avenue, N. Bergen, N. J.	963,750	10,000
Kerr Pen Co.	Tulsa, Okla.	12,750	Unlimited
Moore Pen Co.	29 Melcher St., Boston, Mass.	12,000	750
Bert M. Morris Co.	1015 S. LaCienega Blvd., Los Angeles, Calif.	11,250	11,250
New Diamond Point Pen Co., Inc.	236 Fifth Avenue, New York, N. Y.	77,500	Unlimited
No-Mek Pen Products	10855 Prospect Avenue, Chicago, Ill.	2,250	2,250
Novelty Pen & Pencil Co.	318 Cliff Lane, Cliffside, N. J.	107,750	122,000
Paramount Pen Co.	4102 Bergen Turnpike, N. Bergen, N. J.	193,750	32,000
Parker Pen Co.	Janesville, Wis.	100,000	210,000
Peerless Ft. Pen & Pencil Co.	14-16 W. 17th St., New York City	43,750	Unlimited
Preferred Products Co.	1723 West 12th St., Toledo, Ohio	5,000	5,000
Reliable Pen & Pencil Co.	277 Broadway, New York City	7,500	Unlimited
Salz Bros., Inc.	44 West 28th St., New York City	391,750	Unlimited
Sengbusch Self-Closing Inkstand Co.	2222 W. Clybourn St., Milwaukee, Wis.	11,000	500
W. A. Sheaffer Co.	311 Avenue H., Fort Madison, Iowa	150,000	200,750
Southern Pen Co.	16 N. Union St., Petersburg, Va.	70,250	3,000
Louis Tams & Son	36 West 47th St., New York City	5,000	Unlimited
J. Ulrich & Co.	161 Washington St., New York City	4,500	Unlimited
Union Ft. Pen Co., Inc.	79 Fifth Avenue, New York City	25,000	Unlimited
Universal Ft. Pen & Pencil Co.	146 W. 26th St., New York City	12,500	Unlimited
L. B. Waterman Co.	244 Hudson St., New York City	93,000	Unlimited
Weidlich Pen Co.	505 Elm St., Cincinnati, Ohio	1,500	Unlimited
Welsh Mfg. Co.	54 Troy, Providence, R. I.	80,000	1,000

MECHANICAL PENCILS

Name of firm	Location of plant	Production and delivery quotas for civilian production	Production and delivery quotas for special orders
Autopoint Pencil Co.	1801 Foster Ave., Chicago, Ill.	83,750	815,750
C. E. Barrett & Co.	315 S. Peoria St., Chicago, Ill.	7,750	7,750
Cooper Pen & Pencil Co.	Northvale, N. J.	1,000	1,000
Dur-O-Lite Pencil Co.	1001 N. 25th St., Melrose Park, Ill.	33,250	33,250
Eberhard Faber Pencil Co.	37 Greenpoint Ave., Brooklyn, N. Y.	150,250	Unlimited
Esser Corporation	Charlottesville, Va.	372,750	Unlimited
Eversharp, Inc.	1890 Roscoe St., Chicago, Ill.	50,000	147,750
Frank Feldman	Nassau, N. Y.	13,750	Unlimited
Gilfred Corporation	23 W. 17th St., New York City	15,000	Unlimited
Globe Pencil Advertising Co.	327 71st St., Guttenburg, N. J.	10,000	250
Guth, Stern & Co., Inc.	159 W. 25th St., New York City	38,750	Unlimited
Hardtmuth, L & C, Inc.	Bloombsbury, N. J.	6,250	6,250
David Kahn, Inc.	Grand Ave., N. Bergen, N. J.	20,250	15,750
Jos Lipic Pen Co.	2201 Indiana Ave., St. Louis, Mo.	131,750	Unlimited
Listo Pencil Corp.	Alameda, Calif.	18,250	102,000
Mays Mfg. Co., Inc.	238 Chapman St., Providence, R. I.	20,000	8,250
Nichols Products Co.	Morestown, N. J.	2,000	2,000
Paramount Pen Co.	4102 Bergen Turnpike, N. Bergen, N. J.	20,000	15,000
Parker Pen Co.	Janesville, Wis.	28,250	9,750
Peerless Ft. Pen & Pencil Co.	14-16 W. 17th St., New York City	20,000	Unlimited
Ritepoint Co.	116 S. Grand Ave., St. Louis, Mo.	150,000	Unlimited
Rite Brite Mfg. Co.	555 Rogers St., Downers Grove, Ill.	22,000	1,000
Salz Bros, Inc.	44 W. 25th St., New York City	178,000	Unlimited
Scripto Mfg. Co.	422 Houston St., Atlanta, Ga.	232,000	638,000
W. A. Sheaffer Co.	311 Avenue H., Fort Madison, Iowa	41,000	45,000
Southern Pen Co.	16 N. Union St., Petersburg, Va.	11,250	1,750
Louis Tams & Son	36 W. 47th St., New York City	1,000	Unlimited
Tec Pencil Co.	414 S. Robertson Blvd., Los Angeles, Calif.	2,750	2,750
Union Ft. Pen Co., Inc.	79 Fifth Avenue, New York City	7,250	Unlimited
Universal Ft. Pen & Pencil Co.	146 W. 26th St., New York City	12,750	Unlimited
Waterman, L. E.	344 Hudson St., New York City	43,000	Unlimited
Wonder Pen Co.	207 W. 26th St., New York City	10,750	Unlimited

See 9 F.R. 3729.

[F. R. Doc. 44-12522; Filed, August 19, 1944; 11:30 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-227-a, as Amended Aug. 19, 1944]

PEN NIBS

§ 3291.211 *General Limitation Order L-227-a—(a) Definitions.* For the purposes of this order:

(1) "Pen nib" means a removable writing point for use in a pen holder and designed to put writing fluid on a writing surface.

(2) "Pen holder" means any instrument designed to hold a pen nib in position for writing, except a fountain pen as defined by Order L-227.

(3) "Manufacturer" means any person who manufactures or produces pen nibs.

(4) "Special order" means any order, contract or subcontract placed by or for the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores), the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) and government agencies or other persons acquiring products covered by this order, for export to any foreign country under a license issued by the Foreign Economic Administration.

(b) *Restrictions and use of copper.* No manufacturer shall use any copper, or copper base alloy in the manufacture of pen nibs.

(c) [Deleted Aug. 19, 1944.]

(d) *Restrictions on production of pen nibs to fill special orders.* (1) On or after October 1, 1943, no manufacturer shall produce or deliver any pen nibs to

fill special orders except according to quotas specifically approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer must file this Form with the War Production Board on or before the 15th days of March, June, September and December, showing his proposed production and delivery.

(e) *Restrictions on production of pen nibs for other than special orders.* For other than special orders, during the calendar quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall produce more than 18½% of the pen nibs by gross produced by him during 1941.

(f) *Reports.* Every manufacturer producing any pen nibs shall file with the War Production Board, Washington 25, D. C., Ref: L-227-a, Form WPB-2719 (formerly PD-880) on or before the 15th days of March, June, September and December, executed in accordance with the instructions for filing that Form.

(g) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of pen nibs, inventories of raw materials, semi-processed materials or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control

and may be deprived of priorities assistance.

(1) *Exceptions and appeals—(1)**Production under Priorities Regulation*

25. Any person who wants to make more pen nibs to fill special orders than he has been authorized to make on Form WPB-2719 under paragraph (d) (including a person who has no authorization) and any person who wants to make more pen nibs for other than special orders, than the quota fixed in paragraph (e) (including a person who has no quota under that paragraph), may apply for permission to do so as explained in Priorities Regulation 25. The delivery restrictions of paragraph (d) do not apply to pen nibs so produced. A person who wants to make more pen nibs for special orders than he is permitted to make under paragraph (d) may still, of course, apply on Form WPB-2719.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraphs (d) and (e), should be filed on Form WPB-1477 (in triplicate) with the War Production Board, Washington 25, D. C. No appeal should be filed from the provisions of paragraphs (d) or (e).

(j) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of pen nibs to a greater extent than does this order, the other order shall govern unless it states otherwise.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-227-a.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12523; Filed, August 19, 1944; 11:23 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-227-b as Amended Aug. 19, 1944]

WOOD CASED AND OTHER NON-MECHANICAL PENCILS AND PEN HOLDERS

§ 3291.212 *General Limitation Order L-227-b—(a) Definitions.* For the purposes of this order:

(1) "Restricted pencil" means any wood cased pencil or other writing instrument containing a nonmovable core of lead or other marking material encased in a sheath of wood, paper, or other material which sheath has a thickness greater than .010 of an inch.

(2) "Pen holder" means an instrument designed to hold a pen nib in position for writing, except fountain pens as defined in Order L-227.

(3) "Manufacturer" means any person who manufactures or assembles restricted pencils or pen holders.

(b) *Specifications for restricted pencils and pen holders.* No manufacturer shall use in the manufacture of restricted pencils or pen holders any:

(1) Copper or copper base alloy;

(2) Crude, reclaimed or synthetic rubber except as permitted in Rubber Order R-1, as amended, or any relief granted pursuant to an appeal taken in accordance with the provisions of such order.

(c) *Limitation on production of restricted pencils and pen holders—(1)* [Deleted Aug. 19, 1944.]

(2) During the calendar quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall produce more than:

(i) 20¼% of the number of restricted pencils produced by him during 1941;

(ii) 24% of the number of pen holders produced by him during 1941.

(d) *Reports.* Every manufacturer producing any restricted pencils and pen holders shall file with the War Production Board, Washington 25, D. C., Ref: L-227-b, Form WPB-1600 (formerly PD-655) on or before the 15th days of October, January, April and July, executed in accordance with the instructions for filing that Form.

(e) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of restricted pencils and pen holders, inventories of raw materials, semi-processed materials, or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Exceptions and appeals—(1)*

Production under Priorities Regulation 25. Any person who wants to produce more restricted pencils or more pen holders than the quotas fixed in paragraph (c) (2) (including a person who has no quota under this order), may apply for permission to do so under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraph (c) (2) should be filed on Form WPB-1477 (in triplicate) with the War Production Board, Washington 25, D. C. No appeal should

be filed from the provisions of paragraph (c) (2).

(h) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of restricted pencils and pen holders to a greater extent than does this order, the other order shall govern unless it states otherwise.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-227-b.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12524; Filed, August 19, 1944;
11:30 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-267, as
Amended Aug. 19, 1944]

PHOTOGRAPHIC AND PROJECTION EQUIPMENT, ACCESSORIES, AND PARTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.145 *General Limitation Order L-267—(a) Definitions.* For the purposes of this order:

(1) "Restricted photographic equipment" includes any of the following, when containing any critical materials except in joining hardware: Still cameras (except aerial), motion picture cameras (except aerial gun sight aiming point), motion picture projectors (except 35 mm. motion picture projectors), still projectors and enlargers. It does not include: (i) any equipment covered by Limitation Order L-54-c (office machinery); (ii) Any equipment covered by Limitation Order L-206 (X-ray equipment); (iii) X-ray tanks, X-ray hangers, X-ray illuminators, X-ray driers and X-ray cabinets; (iv) Any equipment covered by Limitation Order L-226 (printing and publishing machinery, parts and supplies); (v) Any equipment covered by Limitation Order L-190 (scales, balances and weights).

(2) "Restricted photographic accessories" includes any of the following, when containing any critical materials except in joining hardware or fasteners: Camera accessories, 16 mm and 8 mm projection accessories, 35 mm reels and cans, darkroom and studio accessories, photographic lenses in mounts, photographic shutters for still cameras other

than built-in shutters, and photographic carrying cases.

(3) "Critical materials" means iron, carbon steel, alloy steel, zinc, copper and copper base alloy.

(4) "To put into process" means the first change by a manufacturer in the form of material (whether raw, semi or fully fabricated material) from that form in which it is received by him, or the first assembly by a manufacturer of material which is not changed in form, when the change or assembly takes place in the production of restricted photographic equipment, restricted photographic accessories or parts for those products.

(5) "Preferred order" means any purchase order or contract for the Account of the Army, Aircraft Resources Control Office (ARCO), Navy, Coast Guard, Marine Corps, Maritime Commission, Office of Strategic Services, or armed forces of foreign governments allied to the United States, or any order stating on its face that the products ordered are for eventual delivery to one of those organizations.

(b) *Production of certain cameras and projectors prohibited.* No manufacturer shall make or assemble portable hand cameras of the amateur box or fixed focus type, amateur 8 mm cameras, 8 mm projectors or parts for such products.

(c) *Restrictions on production and delivery for preferred orders.* (1) No manufacturer shall produce or deliver any restricted photographic equipment, restricted photographic accessories, or parts for such equipment or accessories to fill preferred orders, except in accordance with quotas specifically approved by the War Production Board on Form WPB-3038.

(2) Each manufacturer must file Form WPB-3038 with the War Production Board on or before the fifteenth of March, June, September and December, showing his proposed production and delivery for preferred orders.

(3) In passing on these forms it will be the general policy of the War Production Board to distribute preferred orders for restricted photographic equipment, restricted photographic accessories, and parts for such equipment and accessories throughout the industry, taking into consideration the productive capacities of the various plants, the needs of the preferred claimants, the adaptability of various plants to the production of the specific items ordered, and the nature of the labor market. The War Production Board will give notice to all manufacturers of the total estimated dollar value of preferred order shipments and the individual percentage of such total tentatively allocated to each manufacturer.

(d) *Restrictions on production for other than preferred orders.* (1) No manufacturer shall put into process in any calendar quarter to fill other than preferred orders more critical material than 12% of the average quarterly amount (by weight) of critical materials put into process by him in 1941.

(2) The restrictions on the use of critical materials in paragraph (d) (1) do not apply to critical materials put into

process in the production of the following items to fill other than preferred orders: photographic lenses in mounts, photographic shutters, other than built-in shutters, film reels and cans, photo copy equipment, identification equipment, micro filming equipment. However, these items shall not be manufactured except according to a quota approved under paragraph (d) (3).

(3) No manufacturer shall produce any restricted photographic equipment, restricted photographic accessories or parts for such equipment or accessories for other than preferred orders, except according to quotas specifically approved by the War Production Board on Form WPB-3038.

(4) Each manufacturer must file Form WPB-3038 with the War Production Board on or before the fifteenth of March, June, September and December, showing his proposed production and delivery for other than preferred orders.

(e) Restrictions on delivery for other than preferred orders. No manufacturer shall deliver any new restricted photographic equipment or new photographic accessories or new parts for those products for other than preferred orders except:

(1) To fill an order bearing a rating of AA-5 or higher.

(2) As authorized by the War Production Board on Form WPB-1319 in response to an application on that form filed with the nearest field office of the War Production Board.

(3) Any restricted photographic accessory or restricted photographic equipment which has a manufacturer's list price, including federal excise tax, of ten (10) dollars or less.

(4) Any part for restricted photographic accessories or restricted photographic equipment delivered to a manufacturer for use in the production of those products as permitted by this order.

(5) Any part for use as a repair or replacement part.

(f) Applicability of regulations and other orders. This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of restricted photographic equipment, restricted photographic accessories, or parts for such equipment and accessories to a greater extent than does this order, the other order shall govern unless it states otherwise.

(g) Exceptions and appeals—(1) Production under Priorities Regulation 25. Any person who wants to make or assemble portable hand cameras of the amateur box or fixed focus type, amateur 8 mm cameras, 8 mm projectors or parts for such products, and any person who wants to make more restricted photographic equipment or restricted photographic accessories than he has been authorized to make on Form WPB-3038 either under paragraph (c) (1) or (d) (3) (including a person who has no such

authorization) and any person who wants to put into process more critical materials to fill other than preferred orders than the quota fixed in paragraph (d) (1) (including a person who has no quota under that paragraph) may apply for permission as explained in Priorities Regulation 25. The delivery restrictions of paragraph (c) (1) do not apply to articles so produced. A person may still, of course, apply on Form WPB-3038 under paragraphs (c) (2) or (d) (4) for permission to produce restricted photographic equipment, photographic accessories or parts.

(2) Appeals. Any appeal from the provisions of this order other than the restrictions of paragraphs (b), (c) (1), (d) (1) and (d) (3) shall be made by filing a letter in triplicate with the War Production Board, Washington 25, D. C., Reference Order L-267, referring to the particular provisions appealed from and stating the grounds of the appeal. No appeal should be filed from the restrictions of paragraphs (b), (c) (1), (d) (1) or (d) (3).

(h) Violations. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-267.

NOTE: The application forms and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12525; Filed, August 19, 1944;
11:30 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-551, Amdt. 1]

WILLIAM BRODY

Suspension Order No. S-551 was issued against William Brody, 205 W. Third Avenue, S., Clearfield, Pennsylvania, effective May 20, 1944. An appeal was filed with the Chief Compliance Commissioner. The case was reviewed by the Chief Compliance Commissioner, as a result of which on June 1, 1944, he dismissed the appeal.

Upon further consideration of the appeal by the Chief Compliance Commissioner, he directed that the suspension order be modified by permitting sufficient construction to complete the first floor of the structure. In view of the foregoing: It is hereby ordered, that § 1010.551, *Suspension Order No. S-551* be modified to permit the completion of the construction of the first floor of the structure.

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12553; Filed, August 19, 1944;
4:03 p. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63, as Amended August 17, 1944, Amdt. 1]

Section 1042.1 *General Imports Order M-63*, as amended, is hereby amended by making the following change in List II:

Change	Material	Com- micro Import Class Number	Governing Date
Add to List II.	Antimony...	6530.000 6531.000 6532.100 8230.150 8230.210	Aug. 19, 1944 Aug. 17, 1944 Aug. 17, 1944 Aug. 19, 1944 Aug. 19, 1944

Issued this 19th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12527; Filed, August 19, 1944;
11:31 a. m.]

PART 1001—TIN

[General Preference Order M-43, as Amended Aug. 21, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1001.1 *General Preference Order M-43—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to January 10, 1944, or pursuant to a contract supported by an allotment symbol or a preference rating. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the use of tin in

the production of any item or article, the limitations of such other order shall be observed.

(c) *Definitions.* For the purposes of this order:

(1) "Tin" means and includes both pig tin and secondary tin.

(2) "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, small bars, and ingots) produced from ores, residues or scrap.

(3) "Secondary tin" means any material (except tin plate andterne plate as those terms are defined in Supplementary Order M-21-e) which contains less than 98% but not less than 1.5% by weight of the element tin.

(4) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any way, but does not include the processing of tin ore, concentrates, residues or scrap into metallic tin.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with, or available for the use of such person.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Base period" means the corresponding calendar quarter of 1940.

(8) "Distributor" means any person regularly engaged in the business of buying and selling tin, and includes warehousemen and jobbers.

(d) *General restrictions on use of tin.*

(1) No product or article or part thereof shall be manufactured of pig tin if it is possible to use secondary tin for such purpose.

(2) No tin in any form shall be used in the manufacture of any item or in any process appearing on List A of this order; nor shall tin be used for any purpose except to manufacture the items or for the purposes listed in Schedule I, II, III or IV of this order, and then, only within the limitations and restrictions specified in Schedule I, II, III or IV with respect to such item or purpose.

(e) *Restrictions on the use of certain tin products.* Except with the specific permission in writing of the War Production Board granted pursuant to appeal under paragraph (k) no person shall use any of the tin-bearing products on List B of this order in the manufacture or treating of any other product or article; *Provided*, That when any such tin-bearing product is listed in Schedule I, II, III or IV it may be used for the purposes for which it is permitted to be manufactured as specified in Schedule I, II, III or IV.

(f) *Restrictions on deliveries.* (1) No person shall deliver or accept de-

livery of pig tin without the specific authorization in writing of the War Production Board; *Provided, however*, That in the absence of a contrary direction by the War Production Board, pig tin may be delivered without specific authorization:

(i) To the Metals Reserve Company or to any other corporation organized under section 5(d) of the Reconstruction Finance Corporation Act as amended (15 U. S. C., sec. 606 (b)), or to any duly authorized agent of any such corporation.

(ii) By any distributor in lots of three long tons or less up to but not exceeding a total of five long tons to any one customer in the same calendar month; *Provided*, That the aggregate of such deliveries which any person may receive from all distributors pursuant to the authority of this paragraph shall in no event exceed five long tons in any calendar month; and provided further, that any person seeking such a delivery shall, at the time of placing his purchase order, file with the distributor a statement substantially in the following form, signed manually or as provided in Priorities Regulation No. 7 by an official duly authorized for such purpose:

The undersigned hereby certifies:

(a) That no allocation of pig tin has been made to the undersigned by the War Production Board during the calendar month in which delivery of the pig tin covered by the accompanying purchase order is specified;

(b) That such pig tin if delivered will not cause the undersigned's total receipts of pig tin from all distributors during the same calendar month pursuant to the authorization of paragraph (f) of General Preference Order M-43, as amended, to exceed five long tons; and

(c) That such pig tin will not be used or disposed of by the undersigned in violation of any order or regulation of the War Production Board.

(Name of purchaser)

By _____
(Duly authorized official)

(2) On or before the 10th day of each calendar month, each distributor shall report to the War Production Board in such form and detail as said Board may from time to time prescribe, (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942) his transactions in all pig tin during the previous month.

(g) *Allocations.* The War Production Board will from time to time allocate the supply of pig tin, including all pig tin released by the Metals Reserve Company, and issue specific directions as to the source, destination, and the amount of pig tin to be delivered or acquired. The War Production Board may also specifically direct the purposes and end products for which any person may convert, process or fabricate pig tin allocated to him.

(h) *Applications for; and reports of pig tin.* Application for allocations of pig tin or for specific authorization to accept delivery thereof under paragraph (f) shall be made to the War Production Board not later than the 20th day of the month next preceding the month in which delivery is desired, on Form

WPB-412 or such other form as the War Production Board may from time to time prescribe. Any person who on the first day of a calendar month has in his possession or under his control two long tons or more of pig tin or who used during the preceding calendar month, 3,000 pounds or more of pig tin, shall, not later than the 20th day of such month, report to the War Production Board on Form WPB-412 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of pig tin or specific authorization to accept delivery thereof during the next succeeding month.

(i) *Prohibitions against sales or deliveries with knowledge of intended mis-use.* Notwithstanding the authorization by the War Production Board of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe such statement to be false, and any such statement shall constitute on the part of the person making the same, a representation to the War Production Board within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. Sec. 80.

(j) *Limitation on inventories.* No person shall receive delivery of tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order. In the absence of special permission to acquire or hold a greater supply of pig tin, forty-five days' inventory of such tin shall, for the purpose of this order, be deemed a practicable working inventory for any person except a manufacturer of tin plate as tin plate is defined in Supplementary Order M-21-e, as from time to time amended. Application for such special permission shall be made by letter to the War Production Board setting forth fully the facts upon which the applicant relies.

(k) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds of the appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Tin and Lead Division, Washington 25, D. C., reference: M-43.

(l) *Violations.* Any person who willfully violates any provision of this order,

or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 21st day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.
LIST A

Pursuant to the foregoing order, the use of tin in any form, including semi-finished and finished products, in the manufacture of the items and for the purposes listed below is prohibited:

1. Advertising specialties.
2. Art objects.
3. Automobile body solder, or any similar material commonly used as a filler or smoother for automobile or truck bodies or fenders except as permitted in Schedule II, paragraph (8) (a).
4. Band and other musical instruments (except as permitted in Schedule I under the item "pipe organs", paragraph 11).
5. Britannia metal, pewter metal or other similar tin bearing alloy.
6. Broom wire.
7. Buckles.
8. Buttons.
9. Chimes and bells.
10. Emblems and insignia.
11. Fasteners: eyelets, spiral binders, office and industrial staples, book match clips, paper clips, slide fasteners, dress hooks.
12. Foil (except as permitted in Schedule I under the item "foil", paragraph 4).
13. Zinc galvanizing.
14. Household furnishings and equipment.
15. Jewelry.
16. Kitchen equipment (including cutlery and tableware), except as permitted in Schedule I, paragraphs 6 and 15.
17. Novelties, souvenirs and trophies.
18. Ornaments and ornamental fittings.
19. Plating or coating for decorative purposes.
20. Powder (decorative).
21. Refrigerator trays and shelves.
22. Seals and labels.
23. Slot, game and vending machines.
24. Coated paper.
25. Tin oxide and other tin chemicals (except as permitted in Schedule I, paragraph 18).
26. Toys and games.

LIST B

The following tin-bearing products shall not be used in the manufacture or treating of any other products except in accordance with the provisions of paragraph (e) of the foregoing order:

1. Automobile body solder or any similar material containing tin, commonly used as a filler or smoother for automobile or truck bodies or fenders.
2. Tin oxide and other tin chemicals (except as permitted in Schedule I, paragraph 18).
3. Solder containing more than 30% tin by weight.
4. Babbitt metal or similar alloys used as babbitt containing more than 12% by weight of tin.
5. Britannia metal, pewter metal or other similar tin-bearing alloy.

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6. Foil containing more than 1% tin by weight.

7. Copper-base alloy containing more than 2% tin by weight.

SCHEDULES

Pursuant to the foregoing order, tin may be used only in the production of the items and for the purposes set forth in these Schedules, subject to any limitations, restrictions or conditions specified with respect to any such items or purpose and then, only to the extent that substitution of either a less critical material or one of lesser tin content is impracticable.

The conditions, restrictions and limitations set forth in these Schedules with respect to any listed item or purpose shall apply to the manufacture of "Implements of War" produced for the Army or Navy of the United States, U. S. Maritime Commission or the War Shipping Administration, except where the use of tin in the grade and to the extent employed is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the same are being produced.

SCHEDULE I—MISCELLANEOUS

1. *Detonators and blasting caps (including electric blasting caps).* This item includes all necessary parts and accessories but is limited to detonators and blasting caps which are to be used in mining, quarrying, or oil drilling operations. Necessary materials to be incorporated in such detonators or blasting caps shall be exempt from the limitations, conditions and restrictions specified in this schedule with respect to any such material.

2. *Tin plate, terne plate, and terne metal.* Tin plate, terne plate and terne metal, as respectively defined in Supplementary Order M-21-e, as from time to time amended, may be manufactured as permitted under the provisions of said supplementary order. Terne metal, however, may be manufactured from secondary tin only.

3. *Collapsible tubes.* The use of tin in the manufacture of collapsible tubes is permitted subject to the limitations and restrictions of Conservation Order M-115, as amended from time to time.

4. *Foil.* In the manufacture of foil the tin content shall be limited as follows, according to the purposes for which it is to be used:

(i) Electrotypers foil—not more than 10% tin by weight.

(ii) Dental foil—not more than 30% tin by weight.

(iii) Foil to be used in condensers—not more than 4½% tin by weight.

(iv) Soft babbitt foil for the preparation of industrial metallic packing—not more than 1.5% tin by weight.

(v) Foil to be used in aircraft magnetos—not more than 50% tin by weight.

The quantity of tin which any person may use in the manufacture of foil during any calendar quarter shall be limited to 25% of the quantity used by him in the manufacture of foil during the base period.

5. *Dairy equipment.* Tin may be used to coat fluid milk shipping containers which are manufactured within the restrictions and in accordance with the provisions of Conservation Order M-200. Tin may be used to manufacture dairy equipment other than such fluid milk shipping containers, but the total quantity used by any person in the manufacture of such other dairy equipment during any calendar quarter, shall be limited to the quantity used by him for such purposes during the base period. Any dairy equipment may be retinned, *Provided only*, That the amount of tin which any retinner

may use during any calendar quarter, for the retinning of dairy equipment, shall be limited to 150% of the quantity used by him for such purposes during the base period.

6. *Kitchen, galley and mess equipment* for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Forest Service of the United States Department of Agriculture. Tin may be used to coat the foregoing equipment excluding flat ware, to the extent required by the applicable specifications of the service or agency to which such equipment is to be delivered.

7. *Wire—Coating.* Tin or tin alloys may be prepared and used for coating wire only as follows and then, only when specified:

(a) *For copper wire.* There shall be no limitation upon the tin content of the coating alloy when the copper wire to be coated therewith is of a size of .0320" nominal diameter or finer. If the wire to be coated is of size larger than .0320" nominal diameter, the tin content of the coating alloy shall be limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

8. *Foundry chaplets—Coating.* Alloys containing not more than 5% of tin by weight may be manufactured and used for coating foundry chaplets. Tin in no other form may be used for such coating, except as permitted under Supplementary Order M-21-e, as amended.

9. *Printing plates and type metal* for use by the printing, publishing and related service industries. Secondary tin only may be used in the manufacture of such plates and type metal. The quantity of secondary tin which any person may use in the manufacture of such plates and type metal during any calendar quarter, shall be limited to 75% of the quantity of tin used by him for such purposes during the base period.

10. *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys but the tin content of any such alloy shall be limited to 30% tin by weight.

11. *Pipe organs for religious and educational institutions.* Tin may be used only in the repair and maintenance of such organs and only where and to the extent that the substitution of a less critical material is impossible.

12. *Bolster metal* for use in the manufacture of cutlery and surgical instruments for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. The tin content of such bolster metal shall not exceed 10% by weight and shall be derived from secondary tin only.

13. *Fusible alloys and dry pipe valve seat rings.* Tin may be used in the manufacture of fusible alloys and dry pipe valve seat rings to the extent required to meet performance specifications with respect to the operation of the product in which such alloy is to be contained.

14. *Lead-base alloys for coating sheet, tube or wire.* Lead-base alloys containing tin may be manufactured and used to coat steel sheet, steel tubes or steel wire provided the tin content of any such alloy does not exceed 2.5% by weight and is not derived from pig tin.

15. *Equipment for preparing and handling food.* In addition to the purposes specified in item (5) of this schedule with respect to dairy products, tin may be used in the manufacture or repair of the following types of

equipment, but only to the extent herein indicated:

(i) To coat or to retin articles of equipment used in the processing or handling of meat in the meat-packing industry, to the extent that any such articles come into actual contact with meat. The equipment intended to be covered by this provision includes, but is not limited to: bacon combs, hangers, metal molds, shovels, forks and scoops for handling sausage and cooking utensils.

(ii) To coat or retin equipment used in the processing or cooking of any food by institutions or by industrial or commercial establishments, but only such equipment as actually comes into contact with food.

16. Tin pipe and sheet tin for lining for use in the repair or maintenance of beverage dispensing units and parts thereof. Tin pipe and sheet tin may be manufactured only for use in the repair or maintenance of beverage dispensing units and parts thereof, provided that any customer for whom such pipe or sheet tin is manufactured shall return to the manufacturer a quantity of used pipe or scrap tin equal in tin content to that of the new pipe or sheet tin delivered to him.

17. *Descaling of metal castings.* Tin may be used in descaling of metal castings to the extent specifically authorized by the War Production Board upon application made to it by letter.

18. *Tin and tin chemicals.* Pig tin may be reprocessed for use as a reagent and in the manufacture of tin chemicals for use as reagents, for medicinal purposes and also for use in the electrolytic plating process, where tin plating is permitted.

SCHEDULE II—SOLDERS

In the manufacture of solder the tin content by weight shall be limited as follows, according to the purpose for which the solder is to be used: *Provided, however,* (1) That no manufacturer or wholesale distributor of solder shall deliver any solder to any wholesale distributor of solder, and no wholesale distributor of solder shall accept delivery from a manufacturer or another wholesale distributor, unless the wholesale distributor shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not re-sell such solder to any user unless he has received the certificate from the user called for by this order; and (2) That no manufacturer or wholesale distributor of solder shall deliver any solder to any user, and no user shall accept delivery of any solder from any manufacturer or wholesale distributor, unless the user shall have furnished the manufacturer or wholesale distributor with the following certificate.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that the tin contained in the material covered by this order shall be used solely for the purpose listed in schedule ---- section ---- of General Preference Order M-43, or is to be incorporated in an "Implement of War" and the tin content of the material has been definitely specified.

1. Manufacture of all cellular type radiators—solder per radiator shall average not more than 21% tin by weight.

2. Manufacture of all fin and tube type radiators for military and civilian use—solder per radiator shall average not more than 32% tin by weight.

3. Solder containing not more than 50% tin by weight may be used for the following:

(a) Ammunition box liners.

(b) Manufacture, maintenance and repair of refrigeration equipment.

(c) Manufacture, maintenance and repair of radio and radar equipment.

(d) Manufacture and repair of any type of indicating, recording, measuring or controlling instruments and their associate control valves, excluding manufacture and repair of gas meters which are provided for in paragraph (5) (g).

4. Solder containing not more than 40% tin by weight may be used for the following:

(a) Manufacture and repair of all galvanized iron or zinc tanks.

(b) Installation and repair of water service pipes connecting the piping of a structure with the outside water main.

5. Solder containing not more than 35% tin by weight may be used for the following:

(a) All radiator repair, but only in the form of solid or cored wire solder not to exceed $\frac{3}{32}$ " in diameter.

(b) Manufacture and repair of tanks (except galvanized and zinc tanks).

(c) Manufacture and repair of dairy ware and dairy equipment where solder comes in contact with products.

(d) Manufacture, assembly and repair of galvanized iron items (except tanks) where the assembly is done with a "soldering iron."

(e) Manufacture, maintenance and repair of electric motors, generators, armatures, electrical equipment and appliances.

(f) Manufacture of electrical fuses.

(g) Manufacture of gas meters. (For the repair of gas meters in accordance with Supplementary Order M-43-b—not more than 38% tin by weight.)

(h) Wiping lead sheathed cable joints or lead pipe joints.

(i) Manufacture or repair of lap and top combs, and other equipment used in the textile industry.

(j) Manufacture of foundry patterns and for soldering patterns to the gates.

(k) Manufacture and repair of the following dairy and egg processing equipment: cheese vats, clarifiers, separators, coolers, heaters and preheaters, dehydrators, fillers, filters, fore-warmers, hot wells, homogenizers and high pressure sanitary pumps, pasteurizers, sanitary centrifugal and positive pumps, vacuum pans and sanitary pipe lines in connection with soldering on sanitary ferrules and fittings.

6. Solder containing not more than 21% tin by weight may be used for the following:

(a) Sealing of milk cans. (Solder used for this purpose is commonly referred to as "tipping solder".)

(b) Soldering side seams of the all-seam-soldered can until August 31, 1944 and after August 31, 1944, a maximum of 5% tin by weight shall be used.

7. Solder containing not more than 5% tin by weight may be used for the following:

(a) Manufacture of cans made with either lock or lap side seam or with a combination of lock and lap side seam, except for the manufacture of the all-seam-soldered can.

8. Solder containing not more than 3% tin by weight may be used for the following:

(a) Repair of automobile bodies and fenders—solder to be derived from secondary sources only.

9. Solder containing not more than 30% tin by weight may be used for the following:

(a) All other uses not covered above and then, only to the extent that substitution of either a less critical material or one of lesser tin content is impracticable.

The total quantity of tin, which any person may use in the manufacture of solder during any calendar quarter, shall be limited to 40% of the quantity used by him in the manufacture of solder during the base pe-

riod. The tin content of all solder used in the manufacture of "Implements of War", where required by specifications, is wholly exempt from this quota restriction.

SCHEDULE III—BABBITT

In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used: *Provided, however,* (1) That no manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 12% tin by weight to any wholesale distributor of babbitt, and no wholesale distributor of babbitt shall accept delivery from a manufacturer or another wholesale distributor, unless the wholesale distributor shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not re-sell such babbitt containing more than 12% tin by weight to any user unless he has received the certificate from the user called for by this order; and (2) That no manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 12% tin by weight to any user, and no user shall accept delivery of any babbitt containing more than 12% tin by weight from any manufacturer or wholesale distributor of babbitt, unless the user shall have furnished the manufacturer or wholesale distributor with the following certificate.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule ---- section ---- of General Preference Order M-43, or is to be incorporated in an "Implement of War" and the tin content of the material has been definitely specified.

1. Repair, maintenance or replacement in existing diesel engines, turbines, locomotive connecting rod or coupling rod bearings, and irrigation water pumping engines and equipment—not more than 90% tin by weight.

2. Manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives and for lining aluminum crossheads—no restriction.

3. Repair, maintenance or replacement in an industrial engine, compressor, or pump being used by operator engaged in the petroleum industry: *Provided,* In any such case, that any priorities assistance required for such repair, maintenance or replacement is obtained in accordance with Preference Rating Order P-98-b, as amended—not more than 90% tin by weight.

4. Repair, maintenance or replacement in vessels or shipping facilities pursuant to a preference rating duly established or assigned by the United States Maritime Commission—not more than 90% tin by weight.

5. Manufacture, repair, maintenance or replacement of connecting rod and main engine bearings for trucks and tractors, and for passenger carriers having a seating capacity of not less than 11 persons as defined in Limitation Order L-158—not more than 90% tin by weight.

6. For all other purposes—not more than 12% tin by weight and only secondary tin shall be used.

The total quantity of tin which any person may use in the manufacture of babbitt metal, or other similar alloys used as babbitt, during any calendar quarter, shall be limited to 40% of the quantity used by him in the manufacture of babbitt during the base pe-

riod. The tin content of all babbit used in the manufacture of "Implements of War", where required by specifications, is wholly exempt from this quota restriction.

SCHEDULE IV—BRASS AND BRONZE A. CAST ALLOYS

(1) *Restrictions on new uses of copper-base alloy foundry products.* The restrictions of this sub-paragraph are in addition to those contained elsewhere in this order and in other orders and regulations of the War Production Board. No person shall use for any purpose in manufacture, any copper-base alloy foundry product, either rough or finished, containing more than 74% copper or 2% tin, unless one or more of the following conditions is satisfied:

(i) He was lawfully using copper base alloy for the particular purpose some time during the last six months of 1943;

(ii) A War Production Board order or regulation specifically allows an alloy with a higher copper or tin content;

(iii) The specifications of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration, applicable to the contract, sub-contract or purchase order call for an alloy with a higher copper or tin content, or

(iv) He has been specifically authorized in writing by the War Production Board to use an alloy with a higher copper or tin content. (Applications for specific authorization under this sub-paragraph to use copper-base alloy foundry products containing more than 74% copper or 2% tin, where such use would otherwise be in violation of the restrictions stated above, should be made by letter in duplicate addressed to the Copper Division of the War Production Board, Washington 25, D. C., Ref: M-9-c. A provision similar to this paragraph (1) appears in Order M-9-c and one application is sufficient under both Orders M-9-c and M-43.)

(2) *General restrictions.* In any case where the tin content of brass or bronze foundry products used by a person is not restricted by the provisions of paragraph (1) of this Schedule IV, the tin content of the brass and bronze foundry products which he uses shall be limited as follows, according to the purpose for which such products are used:

(a) For the manufacture of high ratio worm gears, fire engine pump gears, jack-nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings or step bearings—not more than 12% tin by weight.

(b) For the manufacture of heavy, slow cooling castings (such as, for example, steel mill screw-down nuts) where the performance characteristics require that the alpha-delta eutectoid must be retained—not more than 18% tin by weight.

(c) For the manufacture of piston rings for airbrake equipment—not more than 21.5% tin by weight.

(d) For the manufacture of piston rings for locomotives—not more than 20% tin by weight.

(e) For all other purposes, a maximum tin content of 9% tin by weight, unless the lead content of the alloy is equal to, or greater than, the tin content, and in such event, not to exceed 12% tin by weight.

B. WROUGHT ALLOYS

(3) *Restrictions on new uses of wrought copper-base alloy products.* The restrictions of this sub-paragraph are in addition to those contained elsewhere in this order and in other orders and regulations of the War Production Board. No person shall use for any purpose in manufacture, any wrought copper-base alloy product, containing more than 2% tin, unless one or more of the following conditions is satisfied:

(i) He was lawfully using copper-base alloy for the particular purpose some time during the last six months of 1943;

(ii) A War Production Board order or regulation specifically allows an alloy with a higher tin content;

(iii) The specifications of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, applicable to the contract, sub-contract or purchase order call for an alloy with a higher tin content; or

(iv) He has been specifically authorized in writing by the War Production Board to use an alloy with a higher tin content. (Applications for specific authorization under this sub-paragraph to use wrought copper-base alloy products containing more than 2% tin, where such use would otherwise be in violation of the restrictions stated above, should be made by letter in duplicate addressed to the Tin and Lead Division of the War Production Board, Washington 25, D. C., Ref: M-43.)

(4) *General restrictions.* In any case where the tin content of wrought brass or bronze products used by a person is not restricted by the provisions of paragraph (3) of this Schedule IV, the tin content of the wrought brass and bronze products which he uses shall be limited as follows, according to the purpose for which such products are used:

(i) For the manufacture of thermostatic discs or diaphragms, bronze welding rods, foundryman warp wire or rifle nuts in air hammers—not more than 9% tin by weight.

(ii) For all other purposes—not more than 5.8% tin by weight.

[F. R. Doc. 44-12585; Filed, August 21, 1944; 11:32 a. m.]

PART 1029—FARM MACHINERY

[Limitation Order L-257, Direction 4 as Amended Aug. 21, 1944]

SPECIAL APPLICATIONS FOR ADDITIONAL QUOTA

The following direction is issued pursuant to Limitation Order L-257:

(a) *What this direction does.* In order to encourage the use of "idle and excess" inventories in making more farm machinery and equipment, the War Production Board has set up a reserve of 15,000 tons of carbon steel (and other controlled materials in proportion) for delivery under third quarter 1944 allotments. This direction states the rules on how this reserve is to be given out to manufacturers and covers all persons who can qualify even if they are not "producers" as defined in paragraph (b) (1) of Order L-257. Thus, if you can make more than your L-257 quota under these rules, this direction tells you how to apply for the necessary permission.

(b) *How to apply.* If you want to make more than your quota of any item of farm machinery and equipment (as listed in schedule B of Order L-257), you must apply on Form WPB-3788 in accordance with the instructions on the form. You can get copies of this form from your local WPB field office. When you have filled out the form, you should send it to your local WPB Field Office. If you need any allotment of controlled material, you should also accompany your application with Form CMP-4B as explained in the above instructions.

(c) *Date for filing applications.* To be assured of consideration under this direction, your application should be received not later than September 15, 1944.

(d) *Standards to be used in granting applications.* In its consideration of applications properly filed under this direction, the War Production Board will be guided by the following standards:

(1) Extent to which you can match any allotments of controlled material needed with maximum use of "idle and excess" materials. Your local WPB field office will tell you what these materials are and how to get them. In general, they include materials which you can buy under Priorities Regulation 13, and surplus inventories on hand (excluding material obtained with priorities assistance to make your regular quotas as described in paragraph (e) (3) below), as well as used material which you can get without priorities assistance.

(2) *Critical materials and components.* It is not expected your application will be granted if it involves substantial allotments of the following critical materials:

STEEL

Plates
Sheet
Strips
Tin mill products
Forgings
Seamless tubing
Wire rope and strand

COPPER AND COPPER BASE ALLOY PRODUCTS

Rod ½" and smaller
Fine wire
Cable
Tubing 4" and over

Likewise, your application will not be granted if it appears that critical non-controlled materials or components will be needed, i. e., those which you could not get with a rating of AA-4.

(3) *Labor requirements.* The following are the standards with respect to labor:

(i) In general, there are no restrictions as to labor requirements for "small plants", i. e., if your plant employs and will continue to employ 100 production workers or less (50 or less in the critical West Coast labor areas of San Diego, Los Angeles, San Francisco, Portland and Seattle).

(ii) However, for small plants in any of the above West Coast areas, or in any other Group #1 Labor Market Area where an Area Production Urgency Committee has been established, the exemption in subparagraph (i) above will apply only if your proposed production under this direction will not cause any increase in your total employment of production workers. For example, if you have a plant employing 35 production workers in the San Francisco Labor Area, you will qualify under this exemption only as long as you will not need to hire any additional production workers. Otherwise, you are governed by the rule set out in (iv) below.

(iii) If your plant is in a Group #3 or #4 (or unclassified) Labor Market Area and is not a small plant under (i) above, the standard is whether or not your proposed production in that plant, or the labor requirements for it, will interfere with war production in that plant or in any other plant located in the same area.

(iv) If your plant is in a Group #1 or #2 Labor Market Area and is not exempted under (i) and (ii) above, your application will not be granted except in unusual circumstances.

(e) *Authorizations to produce.* Any application properly filed under this direction and conforming to the required standards may be granted by the War Production Board. This grant will be in the form of an authorized production schedule and any necessary allotments on Form CMPL-150 or other applicable form. If you get such an authorization, you are governed by the following provisions unless the authorization states otherwise:

(1) You must schedule your production of the item as if the orders for it bore a rating of AA-4.

(2) You may use a rating of AA-4 to get non-controlled materials and components

(no "upratings" will be granted under any circumstances). You may not use the rating of AA-2 which may have been assigned to the production of your regular quotas under L-257.

(3) You may not use materials or components obtained or to be obtained with allotments or preference ratings for the manufacture of farm machinery and equipment or repair parts under your regular quotas. You may use other materials in your own inventory obtained with priorities assistance, but only as permitted under paragraph (u) of CMP Regulation 1 (for controlled materials) and in § 944.11 of Priorities Regulation 1 (for other materials).

(4) Use of lumber is subject to Order L-335 and any other applicable WPB orders.

(5) You must file by October 10, 1944, an interim report of what you have produced through September 30 under the authorization, and a final report, if necessary, when the production is completed. These reports should be by letter (and not on Form WPB-1768).

(f) *Small plants do not need special permission in certain cases.* Direction 3 to Order L-257 removes quota restrictions on certain small plants who can make items without needing any allotments of controlled material or other priorities assistance higher than a rating of AA-4. If you qualify under that Direction 3, you do not have to apply for permission under this Direction 4. However, if you need any allotment to make more than your regular quota of farm machinery and equipment, you may apply for and must get permission under this direction.

(g) *Order L-257.* To the extent that any provision of this direction is inconsistent with the terms of Order L-257, the provision in this direction controls.

NOTE: The reporting requirements in this direction have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 21st day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12586; Filed, August 21, 1944;
11:32 a. m.]

PART 1070—MUSICAL INSTRUMENTS—

[Supplementary Limitation Order L-37-a, as Amended August 21, 1944]

§ 1070.2 *Supplementary Limitation Order L-37-a—(a) Definitions.* For the purposes of this order:

(1) "Musical instrument" means any manufactured instrument designed primarily to produce sound according to musical notation, including any electrically amplified musical instrument and any amplifier therefor, except radios, phonographs and articles designed primarily as toys.

(2) "Essential accessory" means any item which is not a part of a musical instrument, but which is used in connection with and is essential to the playing of a musical instrument.

(3) "Non-essential accessory" means any pitch pipe and any item which is used in connection with a musical instrument but which is not essential to the playing of a musical instrument.

(4) "Critical materials" means steel, brass, tin contained in solder, and nickel used for plating functional parts.

(5) "Producer" means any person engaged in the business of manufacturing or assembling any musical instruments, essential accessories or non-essential accessories, or parts therefor.

(6) "Repairer" means any person engaged in the business of repairing or overhauling musical instruments.

(b) *Materials prohibited in production and repair—(1) Prohibited materials.* No producer or repairer shall use in the manufacture, assembly, repair, or overhauling of any musical instrument, essential or non-essential accessory, or replacement or other part, any of the following materials:

NOTE: "Aluminum" and "Magnesium" deleted Aug. 21, 1944.

Chromium,
Copper, except in brass and except for repairs under paragraph (b) (2),
Methyl methacrylate plastics,
Neoprene,
Nickel, except for plating functional operating parts,
Phenol formaldehyde plastics,
Rubber,
Tin, except in solder,
Zinc, except in brass.

(2) *Repairs.* Notwithstanding the restriction of the preceding paragraph (b) (1), a producer or repairer may use copper or copper base alloy for the conduction of electricity in the manufacture, assembly, repair or overhauling of a part for a specific repair or replacement on a used musical instrument, *Provided*, That no more copper and copper base alloy is used than the greater of either of the following two amounts:

(i) Two pounds in the aggregate, or
(ii) One pound in excess of the amount of copper and copper base alloy scrap recovered, and delivered to a scrap dealer or other person specified under Conservation Order M-9-b.

(c) *Use of critical materials in production and repair and overhauling of instruments—(1) Production of instruments.* No producer shall use in the manufacture or assembly of any new musical instrument, essential or non-essential accessory, or part other than a replacement part, any critical materials except as follows:

(i) *Pianos and organs (pipe, reed and electric).* No critical materials permitted except upon specific authorization in writing from the War Production Board. In no event will authorization be granted for the production of any new piano or organ containing more than 10% by weight of critical materials.

(ii) *Other musical instruments and essential accessories.* Critical materials permitted up to but not in excess of 10% by weight of the particular instrument or accessory. Upon specific authorization in writing from the War Production Board, critical materials in excess of 10% by weight may be used. In no event will such authorization be granted except on orders of the Army or Navy of the United States, the United States Maritime Commission, and the War Shipping Administration.

(iii) *Non-essential accessories.* No critical materials permitted except the minimum essential amount (in no event

to exceed 5% by weight of the accessory) contained in nails, bolts, nuts, screws, clasps, rivets, and other necessary joining hardware.

(iv) *Applications for specific authorizations.* Applications for the authorizations specified above in (i) and (ii) of this paragraph (c) (1) may be made by addressing a letter in triplicate to the War Production Board, Ref: L-37-a, stating with respect to each category of items covered in such application, the number and type of musical instruments or essential accessories which the producer proposes to produce, the amount and kind of materials which the producer proposes to use, the name of the purchaser, the contract numbers and the delivery dates.

(2) *Production of replacement parts.* No producer shall use in any calendar quarter commencing April 1, 1943, in the manufacture or assembly of replacement parts for musical instruments and essential accessories more critical materials than the greater of the following amounts:

(i) 1¼% of the aggregate weight of critical materials and prohibited materials used in all new musical instruments manufactured and assembled by him during 1940; or

(ii) 18¾% of the aggregate weight of critical materials and prohibited materials used in replacement parts for musical instruments and essential accessories manufactured and assembled by him during 1940.

(3) *Repair and overhauling.* Except upon specific authorization in writing from the War Production Board for any additional amount, no producer or repairer shall use in the repair or overhauling of any musical instrument, essential or nonessential accessory, or part, any critical materials other than necessary joining hardware and the following permitted amounts (in each instance weight of critical materials in any replacement part installed is to be counted):

(i) *Pianos.* Maximum of 18 pounds of critical materials permitted.

(ii) *Pipe organs.* Maximum of 50 pounds of critical materials permitted. No new metal pipes may, in any event, be installed.

(iii) *Reed or electric organs.* Maximum of 12 pounds of critical materials permitted.

(iv) *Other instruments and accessories.* Maximum of 10 ounces of critical materials permitted.

(v) *Applications for specific authorizations.* Applications for a specific authorization in accordance with this paragraph (c) (3) may be made by addressing a letter in triplicate to the War Production Board, Ref: L-37-a, stating the number of instruments or accessories which the producer or repairer proposes to overhaul and the amount and kind of material which the producer or repairer proposes to use.

(d) *Permitted rate of production.* No producer shall in any calendar quarter commencing April 1, 1943, manufacture or assemble:

(1) More stringed instruments containing any critical material than 32%

of the total number of stringed instruments of all types, sizes and weights manufactured or assembled by him during the year 1940. For the purpose of this restriction, a piano shall not be considered a stringed instrument.

(2) Other musical instruments (excluding stringed instruments, pianos, and pipe, reed and electric organs) containing in the aggregate more critical materials than 18¾% of the aggregate weight of critical and prohibited materials used by him in the manufacture of such instruments of all types, sizes and weights during the year 1940.

(3) Essential accessories containing in the aggregate more critical materials than 8¾% of the aggregate weight of critical and prohibited materials used by him in the manufacture or assembly of all such essential accessories during the year 1940.

(e) *Inventory restrictions.* No producer shall accumulate for use in the production of musical instruments or parts therefor (including replacement parts), essential accessories and non-essential accessories, raw materials, semi-processed materials and finished parts in excess of the minimum amount required to maintain production as permitted by this order. Producers shall sell materials in their inventory only in accordance with the provisions of Priorities Regulation No. 13 (Part 944) and all other applicable orders and regulations.

(f) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of musical instruments or parts therefor (including replacement parts), essential accessories and non-essential accessories, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(h) *Reports.* On or before June 20, 1943, for the month of May, 1943, and on or before the twentieth day of each month thereafter, for the preceding month, every manufacturer of musical instruments, replacement parts and essential or non-essential accessories, shall execute and file with the War Production Board, Consumers Durable Goods Division, Washington, D. C., a report on Form PD-655.

(i) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine and imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Exceptions and Appeals.*

(1) *Production under Priorities Regulation 25.* Any person who wants to manufacture or assemble more musical instruments or essential accessories than he is permitted by paragraph (d), and any person who wants to use more critical materials in the manufacture or assembly of replacement parts for musical instruments and essential accessories than he is permitted by paragraph (c)

(2) (including a person who has no quota under this order) may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraphs (c) (2) and (d) should be filed on Form WPB-1477 (in triplicate) with the War Production Board, Washington 25, D. C. No appeal should be filed from the quota restrictions of paragraphs (c) (2) and (d).

(c) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L-37-a.

Issued this 21st day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12537; Filed, August 21, 1944;
11:31 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Conservation Order M-23, as Amended Aug. 21, 1944]

DICHLORODIFLUOROMETHANE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of dichlorodifluoromethane for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.27 *Conservation Order M-23—*

(a) *Definitions.* For the purpose of this order:

(1) "F-12 gas" means dichlorodifluoromethane (sometimes called "freon-12").

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Producer" means any person engaged in the production of F-12 gas.

(4) "Supplier" means any person to the extent that he is engaged in the business of distributing F-12 gas to persons using the same for installation in refrigerating or air conditioning systems. The term shall include an equipment manufacturer to the extent that he engages in the sale of F-12 gas which has not been installed in such systems. "Sys-

tem" means any "system" as defined in General Limitation Order L-38.

(5) "Equipment manufacturer" means any person to the extent that he uses F-12 gas for charging new refrigerating or air conditioning systems or parts of systems manufactured by him. It does not include affiliates, subsidiaries, branches, divisions or sections or an enterprise, if not actually engaged in the manufacture of systems or refrigerant containing parts of systems.

(6) "Insecticide manufacturer" means any person to the extent that he uses F-12 gas in the production of insecticide.

(7) "User" means any person who installs F-12 gas in a refrigerating or air-conditioning system, other than an equipment manufacturer. It includes suppliers, service agencies, owners or lessees, to the extent that they engage in installing F-12 gas in any system.

(8) "Contract agent" means any person to whom or for whose account F-12 gas is delivered by a producer for distribution to suppliers.

(If the same person, or two or more branches, divisions or sections of the same enterprise, acts in two or more capacities as contract agent, supplier, equipment manufacturer, or insecticide manufacturer, the particular provisions of this order which apply to the respective activities must be followed, to the extent to which the various provisions are applicable to each activity.)

(b) *Systems for which no deliveries are permitted.* (1) No person (including users, dealers, and other suppliers, and producers) shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system which is of a type referred to in List A. Exceptions from this restriction may be authorized in the following cases (although this does not preclude appeals under paragraph (f) (4) in other cases):

(i) When the major portion of the space to be air conditioned is used as a radio broadcasting studio, auditorium, hotel, restaurant, cafeteria, school, office or office building, or department store, and one of the following conditions exists: The building is "windowless" or one in which the windows cannot be opened for ventilation (such as glass brick, or glass set in a fixed frame which was built into the surrounding wall in an immovable way); or the rooms needing air conditioning are interior ones having no other means of adequate ventilation and are either served by a separate system or constitute a major portion of the space regularly occupied by persons and are served by one central system; or

(ii) When the system is used to air condition a room or rooms in a single family residence or a single apartment and its continued operation is essential to protect the life or restore the health of a person suffering from a serious ailment or disease and under care of a licensed physician, and a statement to that effect by such physician is also furnished with the application referred to below.

Application for WPB permission to get F-12 gas for such a use should be made by the owner or operator of the system

by letter in duplicate (or in an emergency, by wire confirmed immediately by letter) to War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M-28 giving the address and a description of the building(s) in which the system is located and stating the extent to which the system comes within either of the cases described above, the quantity of F-12 gas needed, and the name and address of the probable supplier. The authorization, if granted, will be sent to the applicant, who should show it to his supplier when requesting delivery, in addition to furnishing the certification required under paragraph (c) (2) below.

(2) During the period from November 12, 1943, through September 30, 1944, no person (including users, dealers, and other suppliers, and producers), shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system of any type (not in List A) unless the system must be operated under one or more of the following conditions:

(i) Where an air-cooled condenser is used and the ambient temperature is 110° F or higher; or

(ii) Where the saturated refrigerant temperature corresponding to the suction pressure is less than minus 10° F; or

(iii) Where aluminum or magnesium alloys or rubber (except synthetic rubber) have been used in construction of the system and come in contact with the refrigerant, and are not easily replaceable; or

(iv) Where the system is for use aboard ship, or outside of the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration; or

(v) Where the total operating charge required to operate the system is ten (10) pounds or less of F-12 gas and the system was in operation on November 12, 1943, and is used for food preservation or for storage of penicillin, blood serum, blood for plasma, blood plasma, biologicals and bacteriologicals; or

(vi) Where the use of no Group 2 or Group 3 refrigerants, as defined in the American Standard Safety Code for Mechanical Refrigeration, ASRE Circular No. 15, ASA-B9-1939, as approved by the American Standards Association April 20, 1939, is permitted by that Code; or

(vii) Where the system is used in a sealed railroad car or sealed bus.

(The above restrictions apply not only to systems used for ordinary civilian purposes, but also to those owned, operated, or used within the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration, including post exchanges and ships service stores, other than those used aboard ships.)

(3) Attention is called to paragraph (c) (2), which prohibits a supplier from delivering F-12 gas except on certified orders.

(c) *Deliveries by suppliers.* (1) No supplier or any other person (except a producer) shall deliver any F-12 gas for export outside of the continental United States, or for use by any of the follow-

ing non-retail users (or to any ship yard or other person for use in a system to be delivered to any of them), namely: The Army, Navy, Maritime Commission, War Shipping Administration, post exchanges, ships service departments and activities, equipment and insecticide manufacturers, for new or used systems, or for use in insecticide, without specific authorization from the War Production Board. Subject to the foregoing restriction, any supplier or any other person (except a producer) may deliver F-12 gas to any other person, for use in any new or used system not referred to on List A of this order, if it must be operated under one or more of the conditions stated in (b) (2) (i) to (b) (2) (vii) both inclusive.

No person shall accept from a supplier or other person any delivery of F-12 gas which is prohibited by the restriction in this order.

(2) Whenever the owner of a system or any other user wishes to obtain F-12 gas for installation in a system or systems for which deliveries by suppliers are permitted under this order, he may place his order with any supplier for the minimum quantity, which the available cylinder or cylinders permit, necessary to bring the charge in the system or systems up to a normal operating charge. He must certify his order, or the vendor's delivery receipt, by a certificate endorsed on or attached to it, showing that the F-12 gas is to be used for such purposes only, and that he is not holding any empty cylinders not owned by him, which shall be in substantially the following form:

The undersigned purchaser certifies to the seller and the War Production Board that he does not have any F-12 gas cylinders not owned by him, which have been empty for more than 15 days; and that the F-12 gas covered by this order will not be used or resold for any purposes not permitted by Order M-28.

The standard certification in the form described in Priorities Regulation 7 cannot be used instead of that described above. Such certificate, which must be signed by the purchaser or his authorized official, will constitute a representation that what is stated in it is true. A supplier must not deliver any F-12 gas except under certified orders; and he must not make delivery under any order which is certified if he knows, or has any reason to believe that the certificate furnished with such order is untrue, incomplete, or inaccurate. In such a case the supplier must reject the order, and should explain why he is doing so, so that the prospective purchaser can comply with this order. Each supplier must keep all accepted orders and certificates which he receives, for a period of two years, for inspection by the War Production Board. (Certificates in the form required by this order before its amendment on November 12, 1943, may continue to be used for 30 days after that date, in place of the above form.)

This restriction shall not prevent a person who services several systems for which deliveries are permitted by this order from purchasing a cylinder of F-12 gas from a supplier, if the amount pur-

chased is the smallest quantity practicable considering the sizes of the standard commercial cylinders and the amount needed in his current operations.

(3) No "standby charge" or any other quantity of F-12 gas, over and above that needed to bring the total charge in a system or systems up to the normal operating charge, shall be delivered to or accepted by any person for use in a system which he owns, leases, or operates (except the Army, Navy, Maritime Commission or War Shipping Administration): except, however, that a "standby charge" may be maintained for a system which is operated primarily for one of the following purposes: air conditioning or refrigeration for the production and storage of penicillin, or blood serum; or refrigeration for the storage of blood for plasma, or the production or storage of blood plasma.

(d) *Deliveries by producers.* Each producer shall hold his entire inventory of F-12 gas, together with all additional quantities produced or otherwise obtained by him from time to time, for delivery under such orders and for such uses as may be authorized or directed from time to time by the War Production Board. No deliveries of F-12 gas shall be made by a producer except pursuant to specific authorizations or directions heretofore or hereafter issued by the War Production Board.

(e) The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering F-12 gas, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Reports.*¹ (i) Each equipment manufacturer who wishes to secure delivery of F-12 gas during any month for charging systems or parts produced by him, or for factory repair and charging of sealed or hermetic condensing units, shall file with the War Production Board, on or before the 15th day of the preceding month a report on Form WPB-3326, prepared in accordance with the instructions for such form.

(ii) Any person wishing to secure F-12 gas during any month for ultimate uses (such as testing coaxial cable for leaks) other than the charging of new or used refrigeration or air conditioning systems or parts or use in insecticide, shall file with the War Production Board, on or before the 20th day of the preceding month, a report by letter, in triplicate, showing the minimum amount required for the month, the purpose for which required, and the amount used during the preceding calendar month for that purpose.

¹ The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) **Violations.** Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(4) **Appeals.** Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) **Communications.** All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M-28.

Issued this 21st day of August 1944:

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—SYSTEMS FOR WHICH NO DELIVERIES ARE PERMITTED

Air conditioning systems. Any system, of any size operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.
Concert halls.
Funeral parlors.
Golf clubs, country clubs, athletic clubs, and all other clubs and club houses.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).
Studios of all kinds.
Theaters.

This list does not include (1) any such system used primarily to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (2) any system designed, necessary and used, in substantial part, for the refrigeration and storage or processing of food, ice, or other materials or products, necessary to life or health, or to be delivered to the Army, Navy, Maritime Commission or War Shipping Administration, and requiring refrigeration, temperature control, or freedom from dust or other impurities.

Refrigeration systems.

Skating rink systems.

Refrigeration systems solely for storing or dispensing carbonated or malt beverages.

INTERPRETATION 1

[Interpretation 1 revoked November 12, 1943]

INTERPRETATION 2

(a) Quantities which may be obtained by system owner. Subparagraphs (c) (2) permits the owner (or lessee) of a refrigerating or air conditioning system (not on List A) who does his own installation of F-12 gas, to place his order for the minimum quantity "which the available cylinder or cylinders permit", necessary to bring the charge in his system up to a normal operating charge.

The standard commercial cylinders are generally available in sizes which contain four pounds, ten pounds, twenty-five pounds, and one hundred forty-five pounds of the gas, and a particular supplier may not have all four sizes in stock at all times. Questions will therefore arise as to the number and sizes of cylinders which the owner of a system is permitted to obtain, if the particular supplier with whom his purchase order is first placed should not happen to have the size of cylinder from which the minimum quantity needed by the system can be furnished the owner.

In such a case, the owner of the system should make a reasonable effort to obtain the minimum quantity which he needs, from some other supplier in his locality, rather than purchase an excessive quantity from the first supplier upon whom he calls. While the order does not prescribe rigid rules as to exactly what effort the purchaser should make in every case, it is required that he do whatever is practicable, under his particular conditions, to obtain the minimum quantity which he needs, and no more.

Where he is located in a large community in which there are a number of suppliers, he should contact several, if necessary in order to obtain the quantity needed. If he happens to be located in a small community where there is only one supplier who cannot furnish the exact quantity needed and the F-12 gas must be obtained immediately in order to avoid spoilage of a substantial quantity of food, the restriction would not prevent him from obtaining a larger amount, if that is unavoidable without letting his food spoil.

As a guide to the number and size of cylinders which should normally be obtained, for the different quantities of F-12 gas which may be needed in different cases, the following table is furnished:

Pounds of F-12 gas required	Amounts which should be ordered			
	Number of cylinders			
	4 pounds	10 pounds	25 pounds	145 pounds
0-4	1			
5-9		1		
10-14	1			
15-24		2 or	1	
25-29	1		1	
30-39		1	1	
40-49	1	2	1	
50-59		1	2	
60-69		2	2	
70-79	1		3	
80-89	1	1	3	
90-110		1	4	
111-145				1
145-170			1	1
171-195			2	1
195-220			3	1
221-245			4	1
245-270				1
271-315			1	1
316-340			2	1
341-385			3	1
385-570			4	1
571-435				2

The above interpretation applies only where the system owner buys his F-12 gas he has a service shop install the gas, the shop will always be able to furnish no more than the amount actually needed, from its service from a supplier, and installs it himself. If cylinders, and there will be no problem.

(b) **Installation of F-12 gas in systems or parts held by equipment manufacturers or dealers.** Paragraph (b) (1) prohibits deliveries of F-12 gas for systems on List A; (b) (2) prohibits deliveries for any other system, unless it must be operated under one or more of the conditions specified. These restrictions are intended to prevent deliveries of F-12 gas where there is a sale or other delivery of the gas. They prevent an equipment manufacturer or other person from delivering F-12 gas in any new or used system or refrigerant-containing parts if charged with F-12 gas furnished by him after the effective date of the applicable restriction, for any prohibited use.

These restrictions do not prevent the withdrawal and reinstallation of F-12 gas in the course of repairing a used system or refrigerant-containing part, where no additional F-12 gas is added to what was already in the system or part.

Neither do they restrict the delivery of new or used systems or refrigerant-containing parts which had already been charged at the time the applicable restriction became effective; nor do they prevent the owner or lessee of any installed system who had F-12 gas in his possession on the effective date of the applicable restriction from charging the system with such gas, or having someone else do this charging for him, where no transfer of possession or ownership is involved. (Issued November 30, 1943.)

[F. R. Doc. 44-12583; Filed, August 21, 1944; 11:32 a. m.]

PART 3291—CONSUMERS' DURABLE GOODS
[General Limitation Order L-33, as Amended Aug. 21, 1944]

PORTABLE ELECTRIC LAMPS AND SHADES

§ 3291.120 *General Limitation Order L-33—(a) Definitions.* For the purposes of this order:

(1) "Portable lamp" means any detachable device (excluding lamp shades and incandescent, fluorescent or electric discharge lamps or tubes covered by Limitation Order L-28), the primary function of which is to furnish light for interior illuminating purposes by means of incandescent, fluorescent or electric discharge lamps or tubes. "Portable lamp" does not include any flashlight or other battery-operated lighting device, mechanics' lamp, industrial lamp designed specifically for use in conjunction with any industrial machine, tool or assembly bench or other similar factory equipment, or any overhead suspended fixture (whether portable or not).

(2) "Socket" means any receptacle on a portable lamp designed to receive an incandescent, fluorescent or electric discharge lamp or tube.

(3) "Lamp cord" means any insulated cord used to conduct electricity to the socket on a portable lamp.

(4) "Plug" means any device attached to a lamp cord and fitting into a fixed receptacle for the purpose of transmitting electric current through the lamp cord.

(5) "Separate switch" means any one- or two-circuit switch control which operates one or more sockets.

(6) "Lamp shade" means any shade or metal reflector designed for use with a portable lamp.

(7) "Manufacturer" means any person engaged in the business of manufacturing or assembling portable lamps or lamp shades or parts for such products.

(8) "Preferred order" means any purchase order, contract or subcontract for delivery of portable lamps or lamp shades to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(b) General restrictions. (1) [Deleted May 23, 1944]

(2) No manufacturer shall make or assemble any portable lamps or parts for portable lamps. This does not restrict the decoration of completely assembled lamps even though it requires disassembly and reassembly.

(3) The restrictions contained in paragraph (b) (2) do not apply to the manufacture of portable lamps or parts for portable lamps made to fill preferred orders. However, lamps or parts made to fill such orders shall not contain (i) any iron or steel except in sockets, separate switches, plugs, lamp cords, auxiliary ballasts, starter switches, center pipes, steel wire harps, socket covers and husks, outer tubing and casings, coating and, checking rings, locknuts, washers, screws and bolts; or (ii) any other metal except in sockets, separate switches, plugs, lamp cords, auxiliary ballasts and starter switches.

(4) The restrictions of Copper Conservation Order M-9-c shall not apply to the following items, provided that they were in the inventory of the manufacturer or his suppliers on December 10, 1942:

(i) No. 20 B and S Gauge copper conductor cords in cut lengths of not more than 11 feet.

(ii) Sockets, provided that neither the caps, shells or screw shells contain any copper or copper base alloy other than plating.

(iii) Molded plugs.

(iv) Plugs, other than molded, provided that such plugs contain no copper or copper base alloy other than in screws or in plating materials.

(5) [Deleted May 23, 1944]

(6) No manufacturer shall produce any lamp shades or parts therefor containing any silk or phenolic plastics or any metal, except that iron and steel may be used to produce wire frames. The War Production Board will make allotments of controlled materials for the production of lamp shades only to the extent that such materials are needed to produce lamp shades to fill preferred orders. The iron and steel used in producing lamp shades to produce other than preferred orders must be obtained

without priority assistance. One way of obtaining such materials is described in Priorities Regulation No. 13.

(c) Avoidance of excessive inventories. No manufacturer shall receive for use in the manufacture of portable lamps or lamp shades any materials which he cannot use under the terms of this order or any materials which when received will give him an inventory of such materials in excess of the minimum amount necessary to maintain production as permitted by this order.

(d) [Deleted Aug. 21, 1944]

(e) [Deleted Aug. 21, 1944]

(f) Reports. Each manufacturer who produces any portable lamps or lamp shades in fulfillment of preferred orders shall file on or before the tenth day of each calendar month, beginning January 10, 1943, a report on Form WPB-1600 (formerly PD-655), showing all shipments made pursuant to such preferred orders during the preceding calendar month. Each manufacturer shall also file such other reports and answers to questionnaires as shall from time to time be required, subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) Exceptions and appeals—(1) Production under Priorities Regulation 25. Any person who wants to produce portable lamps or parts for portable lamps for other than preferred orders may apply for permission to do so as explained in Priorities Regulation 25. All restrictions other than those in paragraph (b) (2) continue to apply when authorization to make or assemble is obtained under Priorities Regulation 25.

(2) Appeals. Any appeals from the provisions of any paragraph in this order except paragraph (b) (2) should be filed on Form WPB-1477 (in triplicate) with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b) (2).

(i) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(j) [Deleted May 23, 1944]

(k) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Consumers' Durable Goods Division, War Production Board, Washington 25, D. C., Ref.: L-33.

Issued this 21st day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Superseded May 23, 1944.

[F. R. Doc. 44-12589; Filed, August 21, 1944; 11:31 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-49, as Amended Aug. 21, 1944]

BEDS, BED SPRINGS, MATTRESSES AND DUAL SLEEPING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel, wood and textiles for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3291.70 Limitation Order L-49—(a) What this order does. This order regulates the production of bedding products. It assigns maximum manufacturing quotas for such products regardless of the materials from which they are made. It also limits the amount of iron and steel which may be incorporated in any item.

(b) Definitions. For the purposes of this order:

(1) The term "bedding products" includes metal beds; metal bed frames; metal cots, metal bunks and metal roll-away cots (including springs). It also includes the following products whether or not containing metal: innerspring mattresses, pads, pillows; coil, flat or fabric bedsprings; box springs; mattress foundations; crib springs; and dual sleeping equipment (studio couches, sofa beds, lounges, and chair beds designed for dual seating and sleeping purposes).

(2) "Manufacturer" means any person who manufactures or assembles bedding products, but does not include a person who repairs or reassembles a bedding product.

(3) "Base period" means the twelve month period ending June 30, 1941.

(4) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, Aircraft Resources Control Office, or Federal Public Housing Authority, or for delivery outside the United States, its territories and possessions.

(c) Restrictions on production for other than preferred orders. (1) During each calendar quarter beginning January 1, 1944, no manufacturer shall produce more bedding products, for other

than preferred orders, than the percentage as shown in Schedule A of his unit production of such products during the base period. If in any calendar quarter a manufacturer produces less than his permitted production, he may produce the unused portion of his quota in the following quarter.

(2) No manufacturer shall produce any bedding product containing more iron and steel for other than preferred orders than the amount shown for that product in Schedule A.

(d) [Deleted Aug. 21, 1944.]

(e) *Reports.* Each manufacturer producing bedding products must file with the War Production Board quarterly reports on Form WFB-1600 (formerly FD-655) on or before the 15th day of April, July, October and January, according to the instructions for filing that form.

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to produce more bedding products than the quotas fixed in paragraph (c) (1) and Schedule A (including a person who has no quota

under this order), may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the quota restrictions of paragraph (c) (1) and Schedule A should be filed on Form WFB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the quota restrictions of paragraph (c) (1) and Schedule A.

(h) *Applicability of regulations and other orders.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of bedding products to a greater extent than does this order, the other order shall govern unless it states otherwise.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-49.

NOTE: The applications and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Metal beds (except hospital type) and metal bed frames	No production.
Metal beds, hospital type (including fabric spring or adjustable type spring).	Unlimited.
Metal cots, metal bunks, and metal rollaway cots (including springs)	12½ G.
Cots and rollaway cots	42 lbs. maximum weight.
Bunks	101 lbs. maximum weight.
Innerspring mattresses, pads and pillows	No production.
Hospital innerspring mattresses only on specific order of or contract with hospitals or sanitariums.	Unlimited.
Coil, flat or fabric bedsprings (except hospital adjustable type spring)	12½ G.
Double deck coil spring (not more than 30% of production)	63 lbs. maximum weight.
Single deck coil spring	57 lbs. maximum weight.
Flat or fabric spring	43 lbs. maximum weight.
Crib springs	23 G.
	16 lbs. maximum weight.
Box springs	12½ G.
	23 lbs. maximum weight.
Dual sleeping equipment (studio couches, sofa beds, lounges and chair beds designed for dual seating and sleeping purposes).	9 G.
Studio couches	60 lbs. maximum weight.
Sofa beds, lounges and chair beds	35 lbs. maximum weight.

Exceptions. (1) Any manufacturer whose permitted production of any bedding product is restricted by this schedule to less than 250 units in any calendar quarter, may nevertheless, produce during any calendar quarter 25% of his base period production of such

product, or 250 units, whichever is the smaller.

(2) Innerspring mattresses may be produced using innerspring constructions contained in inventory prior to September 1, 1942, upon specific authorization of the War

Production Board. To secure such authorization, a manufacturer should address a letter to the War Production Board, Washington 25, D. C., Ref: L-49, stating the number of innerspring constructions he has in inventory, the number of innerspring mattresses he wishes to produce and the person to whom they will be sold.

INTERPRETATION 1: Superseded Mar. 16, 1944.

INTERPRETATION 2: Superseded Mar 16, 1944.

INTERPRETATION 3

BEDS, BED SPRINGS, MATTRESSES AND DUAL SLEEPING EQUIPMENT

This interpretation is to explain the effect of L-49 upon the repairing or reassembling of bedding products. Paragraph (b) (2) of L-49 defines a manufacturer as "any person who manufactures or assembles bedding products, but does not include a person who repairs or reassembles a bedding product." Certain examples may help to clarify this definition.

A person who buys a number of used or second-hand coil, flat and fabric bedsprings, tears them down and reassembles the usable parts into bed springs is not a manufacturer any more than is a person who adds a piece to a single bed spring to put it into usable condition. However, a person who buys used automobile seat springs and assembles them into a bedding product is engaged in manufacture and not in making repairs or reassembling, as the material with which he works was never a bedding product.

A person who acquires a new innerspring construction and assembles it into an innerspring mattress is obviously a manufacturer of that mattress. Conversely, a person who acquires a used innerspring mattress, or an innerspring construction which has previously been incorporated into an innerspring mattress, and remakes these items is not engaged in manufacture, but in repair or reassembly.

The essential thing to bear in mind in construing paragraph (b) (2) is that for an operation to be classified as repairing or reassembling, the article or articles with which a person is working must have at one time been a bedding product or part of a bedding product. (Issued Mar. 16, 1944.)

[F. R. Doc. 44-12590; Filed, August 21, 1944; 11:31 a. m.]

PART 3294—IRON AND STEEL PRODUCTION [Supplementary Order M-21-h, Revocation]

TOOL STEEL

Section 3294.1111 *Supplementary Order M-21-h* is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of tool steel remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 21st day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12591; Filed, August 21, 1944; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 3; Amdt. 10]

RATION BANKING: BANKS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1305.411 (c) (4) of General Ration Order No. 3 is amended to read as follows:

(4) Each participating bank shall receive four (4) cents for each ration check properly debited to an account except that for each ration check or ration credit draft properly debited to a local Board, Mailing Center, District Office or National Office account, the participating bank shall receive three (3) cents.

This amendment shall become effective August 23, 1944.

(Pub. Laws 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562)

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12535; Filed, August 19, 1944;
11:42 a. m.]

PART 1340—FUEL

[MPR 88, Corr. to Amdt. 14]

FUEL OIL, GASOLINE AND LIQUEFIED
PETROLEUM GAS

Section 2.14 (a) (1) is corrected by deleting from the table of prices in such section the two figures 4.8 which appear on a line with the words "Other grades."

This correction shall become effective as of August 14, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12536; Filed, August 19, 1944;
11:43 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing; Amdt. 32]

HARDSHIP FROM INCREASE IN TAXES OR COSTS

Rent Regulation for Housing is amended in the following respects:

1. The third unnumbered paragraph of section 5 is amended and the following paragraphs are added to the unnumbered paragraphs of section 5 to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (c) (6), and (c) (9) of this section, the adjustment shall be on the basis of the rent

which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided*, That in cases under paragraph (c) (8) of this section due consideration shall be given to any increased occupancy of the accommodations since that date by subtenants or other persons occupying under a rental agreement with the tenant.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (9) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

2. Section 5 (a) (12) is added to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

This section 5 (a) (12) shall not apply to maximum rents established under section 4 (f) where the accommodations are first rented after the maximum rent

date or to maximum rents established under section 4 (c), (d), (e), or (j).

3. Section 5 (c) (9) is added to read as follows:

(9) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section, since the order issued under that paragraph.

This amendment shall become effective September 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12538; Filed, August 19, 1944;
11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses; Amdt. 29]

HARDSHIP FROM INCREASE IN TAXES OR COSTS

Rent Regulation for Hotels and Rooming Houses is amended in the following respects:

1. The third unnumbered paragraph of section 5 is amended and the following paragraphs are added to read as follows:

In all other cases, except those under paragraphs (a) (7), (a) (9), (c) (4), and (c) (5) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (a) (9) of this section, the adjustment shall be on the basis of the rents which the Administrator finds necessary to relieve the substantial hardship: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

2. Section 5 (a) (9) is added to read as follows:

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has re-

* 9 F.R. 2165, 2290, 3231, 3421, 4194, 4541, 5002, 5806, 5828, 5915, 5560.

* Copies may be obtained from the Office of Price Administration.

* 8 F.R. 865, 2858, 4627, 9456, 12611, 9 F.R. 2212.

* 9 F.R. 5807, 5915, 6359, 6569, 6819.

sulted from a substantial decrease in the net income of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (9) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

3. Section 5 (c) (5) is added to read as follows:

(5) *Modification or elimination of necessity for increase under section 5 (a) (9).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section, since the order, issued under that paragraph.

This amendment shall become effective September 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12539; Filed, August 19, 1944;
11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing in Atlantic Co. Area,¹ Amdt. 2]

HARDSHIP FROM INCREASE IN TAXES OR COSTS

Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. The third unnumbered paragraph of section 5 is amended and the following paragraphs are added to the unnumbered paragraphs of section 5 to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (c) (6), and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (8) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

2. Section 5 (a) (12) is added to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

This section 5 (a) (12) shall not apply to maximum rents established under section 4 (f) where the accommodations are first rented after the maximum rent date or to maximum rents established under section 4 (c), (d), (e), or (i).

3. Section 5 (c) (8) is added to read as follows:

(8) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section, since the order issued under that paragraph.

This amendment shall become effective June 1, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12541; Filed, August 19, 1944;
11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses in Miami Area,² Amdt. 6]

HARDSHIP FROM INCREASE IN TAXES OR COSTS

Rent Regulation for Hotels and Rooming Houses in the Miami Defense-Rental Area is amended in the following respects:

1. The third unnumbered paragraph of section 5 is amended and the following paragraphs are added to read as follows:

In all other cases, except those under paragraphs (a) (7), (a) (9), (c) (4), and (c) (5) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on September 1, 1943.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on September 1, 1943.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

2. Section 5 (a) (9) is added to read as follows:

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net

¹ 9 F.R. 6819.

² 8 F.R. 14043, 16033; 9 F.R. 3422, 5063.

income of the property for the current year as compared with a representative period prior to September 1, 1943, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (9) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

3. Section 5 (c) (5) is added to read as follows:

(5) *Modification or elimination of necessity for increase under section 5 (a) (9).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section, since the order issued under that paragraph.

This amendment shall become effective September 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12548; Filed, August 19, 1944;
11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing in Miami Area,¹ Amdt. 8]

HARDSHIP FROM INCREASE IN TAXES OR COSTS

Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. The following paragraphs are added to the unnumbered paragraphs of section 5 to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the max-

imum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on September 1, 1943.

In cases under paragraph (c) (7) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

2. Section 5 (a) (12) is added to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income of the property for the current year as compared with a representative period prior to September 1, 1943, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structure operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

This section 5 (a) (12) shall not apply to maximum rents established under section 4 (c) where the accommodations are first rented after September 1, 1943 or to maximum rents established under section 4 (b) or (f).

3. Section 5 (c) (7) is added to read as follows:

(7) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section, since the order issued under that paragraph.

This amendment shall become effective September 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12540; Filed, August 10, 1944;
11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing in New York City Area,¹ Amdt. 10]

HARDSHIP FROM INCREASE IN TAXES OR COSTS

Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. The second unnumbered paragraph of section 5 is amended and the following paragraphs are added to the unnumbered paragraphs of section 5 to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (c) (8), and (c) (9) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

In cases under paragraph (c) (9) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

2. Section 5 (a) (12) is added to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income of the property for the current year as compared with a representative period prior to March 1, 1943, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and

¹ 8 F.R. 13914, 14814, 15586, 16219; 9 F.R. 2087, 3423, 4028, 6360.

¹ 8 F.R. 13118, 14047, 16033; 9 F.R. 3423, 4028, 6360.

operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expense necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

This section 5 (a) (12) shall not apply to maximum rents established under section 4 (f) where the accommodations are first rented after March 1, 1943 or to maximum rents established under section 4 (c), (d) or (e).

3. Section 5 (c) (9) is added to read as follows:

(9) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section, since the order issued under that paragraph.

This amendment shall become effective November 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12546; Filed, August 19, 1944;
11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses in New York City Area,¹ Amdt. 11]

HARDSHIP FROM INCREASE IN TAXES OR COSTS

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. The third unnumbered paragraph of section 5 is amended and the following paragraphs are added to read as follows:

In all other cases, except those under paragraphs (a) (7), (a) (9), (c) (4), (c) (5), and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was

generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds necessary to relieve the substantial hardship: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1943.

In cases under paragraph (c) (6) of this section, the adjustment in the maximum rent shall be in the amount the Administrator finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

2. Section 5 (a) (9) is added to read as follows:

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income of the property for the current year as compared with a representative period prior to March 1, 1943, due to a substantial and unavoidable increase in property taxes or operating costs.

For the purposes of this paragraph (a) (9) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means a period of twelve calendar months beginning on or after the effective date of regulation. The most recent calendar or fiscal year used by the landlord or the twelve calendar months immediately prior to the filing of the petition for adjustment may be used.

3. Section 5 (c) (6) is added to read as follows:

(6) *Modification or elimination of necessity for increase under section 5 (a) (9).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section, since the order issued under that paragraph.

This amendment shall become effective November 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12547; Filed, August 19, 1944;
11:30 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[EO 5C,¹ Amdt. 143]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8018 is amended by substituting the expression "Ration Currency Mailing Center" for the expression "Ration Currency Issuing Center" wherever such expression appears.

2. Section 1394.8020 is added to read as follows:

§ 1394.8020 *Issuance of ration checks in lieu of gasoline deposit certificates.*

(a) Notwithstanding any other provision of Ration Order No. 5C, after a Board or Ration Currency Mailing Center has opened a gasoline ration bank account, it shall issue one or more ration checks drawn on such account instead of gasoline deposit certificates whenever this order permits the issuance of a gasoline deposit certificate. Every provision in this order applicable to the issuance of gasoline deposit certificates and to rations issued in the form of such certificates shall be equally applicable to rations issued in the form of ration checks and ration checks issued instead of gasoline deposit certificates. When a ration check is issued to a dealer instead of a gasoline deposit certificate representing storage capacity, the person issuing such check shall note upon Part B of the registration certificate of the dealer the gallonage value of any ration check issued and the date of issuance.

(b) A dealer may surrender to the issuing Board a ration check issued to him other than as a ration in exchange for any number of checks whose total gallonage value equals the gallonage value of the check surrendered.

3. Section 1394.8206a (h) is added to read as follows:

(h) The Washington Office, each District office and Ration Currency Mailing Center, and each Board which is not served by a Ration Currency Mailing Center shall, on or before September 20, 1944, open a gasoline ration bank account.

4. Section 1394.8206b (g) is added to read as follows:

* Copies may be obtained from the Office of Price Administration.

¹ 8 F. R. 15937.

¹ 8 F. R. 15581, 16219, 16893; 9 F. R. 2086, 3423, 5003.

(g) (1) The bank account opened by the National Office shall receive periodic credits through credit memoranda issued by the National Office as authorized by General Ration Order 3A.

(2) At the time a gasoline ration bank account is opened by a Board or Ration Currency Mailing Center and on the first day of each month thereafter, the Board or such Mailing Center shall draw a ration credit draft on the gasoline ration bank account of the District Office in the amount of the credits which it estimates will be needed for the monthly period. Such ration credit drafts and all ration checks received by the Board or such Mailing Center shall be endorsed by it and deposited in its ration bank account. When the credit in the ration bank account of a Board or such Mailing Center will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

(3) At the time a gasoline ration bank account is opened by a District Office and on the first day of each month thereafter, the District Office shall draw a ration credit draft on the gasoline ration bank account of the National Office in the amount of the credits which it estimates will be needed for the monthly period. Such ration credit drafts and all ration checks received by a District Office shall be endorsed by the District Office and deposited in its ration bank account. When the credit in the ration bank account of a District Office will not be sufficient to cover its needs for the monthly period, it may draw a supplemental ration credit draft for the additional amount needed and deposit it to its account.

5. Section 1394.8206c (f) is added to read as follows:

(f) A Board may issue a check to a depositor or dealer in lieu of gasoline deposit certificates.

6. Section 1394.8207 (a) (1) is amended to read as follows:

(a) (1) Except as provided in subparagraph (4) of this paragraph, and § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to a dealer, and no dealer shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences at the time of the actual delivery of the gasoline, equal in gallonage value to the quantity of the gasoline transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal in gal-

lonage value to the adjusted quantity of gasoline transferred. However, such transfers may only be made in accordance with the following provisions:

(i) When coupons are surrendered they must bear the notations required by § 1394.8004 (e) and § 1394.8228 (b), and which have been affixed to coupon sheets containing the name, address, date of surrender and unit value of the coupons as prescribed in § 1394.8211.

(ii) When a gasoline deposit certificate is surrendered, it must bear, as an endorsement, the name and address of the dealer and the date on which such transfer is made.

(iii) When a ration check is surrendered, it must bear, as an endorsement, the name of the dealer.

7. Section 1394.8228 (d) is added to read as follows:

(d) Every dealer shall retain all ration checks issued to him in lieu of gasoline deposit certificates at the place of business for which they were issued, and shall not exchange such checks except when the amount of consumer coupons or other evidences available, is less than the amount of the delivery.

This amendment shall become effective August 23, 1944.

(Pub. Laws 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12542; Filed, August 19, 1944;
11:43 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426; Amdt. 50]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

The effective date provision of Amendment No. 46 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 16409, 16294, 15619, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 9086, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896, 9897.

This amendment shall become effective as follows:

- (1) On August 4, 1944 as to all sales f. o. b. shipping point.
- (2) On August 18, 1944 for all states wholly east of the Mississippi River except Illinois and Wisconsin.
- (3) On August 13, 1944 for all other states except California, Oregon, and Washington.
- (4) On August 7, 1944 for California, Oregon, and Washington.

However, as to grapes which were sold and shipped from the country shipping point before August 4, 1944, the maximum prices at wholesale receiving points established by this amendment shall become effective on August 28, 1944.

This amendment shall become effective August 18, 1944.

Issued this 18th day of August 1944.

CHESTER BOWLES
Administrator.

Approved: August 16, 1944.

MARVIN JONES,
War Food Administrator.
[F. R. Doc. 44-12446; Filed, August 18, 1944;
11:53 a. m.]

PART 1439—UNPROCESSED AGRICULTURE COMMODITIES

[MPR 426; Amdt. 51]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 15 is amended in the following respects:

1. Appendix A is revoked.
2. In Appendix I, Table 8A in paragraph (c) is amended by deleting from Footnote 1 the phrase, "Product of Cuba."

3. In Appendix H paragraph (f) is amended by adding subparagraph (5) to read as follows:

(5) To adjust upward the maximum price for lettuce in sales to agencies of the United States to account for any increase in cost which is caused by special trimming or cutting to meet the specifications required by such purchaser for overseas shipment.

4. Paragraph (b) of Appendix H is amended by adding Table 16 to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 16409, 16294, 16510, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7425, 7434, 7580, 7583, 7759, 7774, 7834, 8148, 9090, 9090.

TABLE 16.—MAXIMUM PRICES FOR LETTUCE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping points in California and Arizona	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer ²
1	Iceberg lettuce in L. A. or Salinas crate containing not less than 48 heads with a net weight of 60 pounds or more. ¹	L. A. or Salinas crate	Dec. 1-Mar. 31	\$3.25	\$3.25 plus freight (including 3 percent transportation tax) from El Centro, California plus protective services ²	Column 6 price plus 60 cents.
2			Apr. 1-Nov. 30	\$3.25	\$3.25 plus freight (including 3 percent transportation tax) from Salinas, California plus protective services ²	Column 6 price plus 60 cents.
3	Iceberg lettuce in L. A. or Salinas crates containing less than 48 heads or with a net weight of less than 60 pounds and all other.	Pound	Dec. 1-Mar. 31	54 cents per pound.	Maximum price above (Item 1) divided by 60.	Column 6 price plus 1½ cents per pound.
4	Lettuce, except hothouse lettuce, in any container. ¹	Pound	Apr. 1-Nov. 30	54 cents per pound.	Maximum price above (Item 2) divided by 60.	Column 6 price plus 1½ cents per pound.
5	Hothouse lettuce in any container. ¹	Pound	All year		Maximum prices per pound above (Items 3 and 4) plus 8 cents.	Column 6 price plus 1½ cents per pound.

¹ The maximum price for lettuce sold in bulk (loose without containers) shall be 1 cent per pound less than the appropriate price per pound listed in columns 5, 6, or 7.
² Protective service allowances shall be added in accordance with the following groups of wholesale receiving points during shipping seasons indicated.

Wholesale receiving points	Allowance for protective service per L. A. or Salinas crate (includes 3 percent transportation tax)				
	Jan.-Feb.	Mar.-Apr.	May	June 1 to Oct. 15	Oct. 16 to Dec. 31
1. In States wholly east of Mississippi River (except Wisconsin and Illinois).....	0.16	0.29	0.25	0.25	0.20
2. In all other States except California and Arizona.....	.46	.59	.25	.25	.50
3. In California and Arizona.....		Entire season, 0.97			

*For sellers covered by column 7, see general provisions of this appendix.

5. The table in paragraph (c) of Appendix H is amended by adding item 30 to read as follows:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Item No.	Commodity	Unit ²	Sales by a grower or a county shipper ¹		Sales by anyone, other than a grower or county shipper, who has purchased a carlot or trucklot, and calls such a carlot or trucklot unbroken	Sales by carlot receivers in less than carlots or less than trucklots. (For sales by carlot receivers through auction the maximums named in Col. 4 shall be applied)	Sales by secondary lotbers in any quantity delivered to the premises of the purchaser	Sales by a service wholesaler delivered to the premises of any retail store, Government procurement agency, or institutional buyer, within the free delivery zone ²	
			Through a broker shipper's sales agent or commission merchant in carlots or trucklots or through broker, shipper's sales agent, or auction in less than carlot or less than trucklot	Through a commission merchant in less than carlots or less than trucklots				Half container or larger	Less than half-container
	Lettuce	L. A. or Salinas crate Other containers or in bulk	\$0.14 2½¢	\$0.29 5½¢	\$0.14 2½¢	\$0.29 5½¢	\$0.09 1½¢	\$0.09 1½¢	27½¢

This amendment shall become effective August 19, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

Approved: August 17, 1944.

MARVIN JONES,
War Food Administrator.

For the reasons set forth in the statement of considerations accompanying

the foregoing amendment, I authorize the issuance of the amendment and find that the prices fixed therein for lettuce are necessary to correct inequities and to aid in the effective prosecution of the war.

FRED M. VINSON,
Director,
Office of Economic Stabilization.

[F. R. Doc. 44-12543; Filed, August 19, 1944;
11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR, Amdt. 64]

MODIFICATION OF MAXIMUM PRICES BY SUPPLEMENTARY REGULATION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been

¹ 9 F.R. 1385, 5169, 6106, 8150.

filed with the Division of the Federal Register.*

The General Maximum Price Regulation is amended in the following respect:

1. Section 1499.3 (g) is added to read as follows:

(g) The maximum prices established by this section for certain commodities or services or in certain transactions may be modified by supplementary regulation.²

This amendment shall become effective August 24, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12544; Filed, August 19, 1944;
11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES
[RMPR 165,³ Amdt. 1 to Supp. Service
Reg. 31]

HAND LAUNDRIES IN THE DETROIT AREA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Service Regulation 31 is amended in the following respects:

1. Section 1499.2264 (a) (2) is amended by adding two definitions to read as follows:

"Shirts" as used in Appendix A means all shirts except the following:

Shirts made of silk, wool, rayon and other artificial fibers; gabardine shirts; full dress shirts.

The prices of shirts included within the above exceptions shall be the prices for these items which were filed by the individual laundry with the OPA. If no such prices have been filed, the maximum price to be charged for all shirts shall be the price established for shirts by Appendix A of Supplementary Service Regulation No. 31.

"Overall pants" as used in Appendix A means blue denim overall pants.

2. Section 1499.2264 Appendix A is amended by striking out "pants—work" and inserting "wash trousers and slacks."

3. In § 1499.2264 Appendix A the prices of the following articles are amended to read as follows:

Sheets \$0.15
Overall pants30

*Copies may be obtained from the Office of Price Administration.

²These modifications are contained in Revised Supplementary Regulation No. 14 and Supplementary Regulations 14A and 14B and amendments thereto.

³9 F.R. 7439, 9107.

This amendment No. 1 shall become effective August 24, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12545; Filed, August 19, 1944;
11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Supp. 6]

CERTAIN FROZEN FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

NOTE: An amendment to the statement of the considerations involved in the issuance of Supplement 6 to Food Products Regulation No. 1 (9 F.R. 8057) was filed with the Division of the Federal Register August 19, 1944, 4:16 p. m.

PART 1340—FUEL

[MPR 120,¹ Amdt. 117]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

In § 1340.213, new paragraph (e) is added to read as follows:

(e) In paragraph (b) (2) of this section, a differential of 25 cents per net ton is established between coals produced at a strip mine and coals produced at a deep mine. A producer of coals from a strip mine, or a producer who buys coals from strip mines for preparation and resale, may apply for the removal of this differential, and the differential will be removed by order, upon a showing: First, that his coals are such that they can be prepared so as to be generally acceptable in coal consuming markets. Second, that his preparation plant or tipple is equipped with screens, picking tables and, in general, with adequate facilities for preparing coal by removing refuse before loading into transportation facilities; third, that his coal as loaded into transportation facilities is adequately prepared by use of such facilities.

If such preparation is not maintained, the Administrator may at any time re-establish the price differential.

This amendment shall become effective August 19, 1944.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

¹9 F.R. 5042, 5375, 5587.

cordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

For the reasons set forth in the accompanying Statement of Considerations, and by virtue of the authority vested in me by the Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment to Maximum Price Regulation No. 120 is necessary to aid in the effective prosecution of the war.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-12563; Filed, August 19, 1944;
4:16 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 461,¹ Amdt. 3]

NATURAL CONDITION UNPACKED DRIED PRUNES AND RAISINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The approval of the regulation by the War Food Administrator has been amended by deleting the sentence "To expire not later than one year following date of issue", appearing immediately following the date August 20, 1943.

This amendment shall become effective August 19, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12564; Filed, August 19, 1944;
4:17 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,² Amdt. 2 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF 1944 AND LATER PACKS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

1. The table in section 1 (a) is amended by adding item 4 to read as follows:

Column 1 Item No.	Column 2 Product	Column 3 Section	Column 4 Section	Appendix
4	Peas.....	5	15	O.

¹8 F.R. 11952, 12705, 13741, 14155.

²9 F.R. 9493.

2. The following definition is added to section 3 (a):

"Area" or "pricing area" means the area in which the processor's factory is located, as shown in the applicable appendix.

3. In section 4 (a) the third and fourth undesignated paragraphs are amended to read as follows:

If the processor sold the particular product during the base period, but only in a grade, style, or container type or size which is different from the one being priced, or for which no price range is provided, he figures his maximum price by the same general pricing method, supplemented by the use of conversion factors (for different container types and sizes, different styles, and different grades). Whenever figuring a conversion from metal containers to glass containers the processor must first construct a maximum price for the item packed in metal and then convert it to a maximum price for the item, packed in glass, even though the item was packed in glass containers during the base period. The reason for this is that the permitted increases and price ranges are constructed entirely on products packed in metal containers. In each case the conversion factors to be used are set forth in the appendix applicable to the product.

If the processor was not in business during 1941 or if he made no sales of the product during the base period, he figures his gross maximum price for the item being priced by using as his gross maximum price the specific dollars-and-cents price named in the applicable appendix. (However, if he is subject to section 14 (g) covering transfers of business or stock in trade, he uses the base price of his transferor and figures a maximum price in the same manner as his transferor would have figured it.) In cases where a specific dollars-and-cents price is not provided for the item, he figures his gross maximum price by applying the appropriate conversion factors to the specific dollars-and-cents price named for the nearest container size, style and grade of the product.

4. In section 5, an undesignated paragraph is added immediately preceding paragraph (a) to read as follows:

The processor shall figure a maximum price for each factory at which he processes and sells the item being priced. (However, he may then elect to combine prices as provided in section 10 (f)).

5. The following undesignated paragraph is added to section 5 (a) (1) (i):

In figuring weighted average prices during the base period, the processor may, if he wishes, figure a single weighted

average for all factories located in the same pricing area. For this purpose, the time when the first factory included in group started packing operations shall be considered "the beginning of the 1941 pack".

6. In section 5 (c) the undesignated paragraph preceding subparagraph (1) is amended to read as follows:

A processor who meets the conditions of section 11 (b) as to any item may, if he elects, figure maximum prices for the item on the basis of subgrades. He may make this election for one or more factories selected by him, provided that the maximum prices for the item at the selected factories are the same. However, any such election applies only to that part of the combined packs of those factories which he has not sold and delivered prior to the filing of the statement of his election. When he makes this election as to any item, the processor may sell it at whatever prices he pleases, subject to the following limitations:

7. In section 16, Appendix A, the following caption is added to Table 4 following the table heading, "Standard Grade Water Pack"

8. In section 15, Appendix C is added to read as follows:

APPENDIX C—PEAS

Explanation of how maximum prices for packed peas are figured. In making conversions for grade, for variety, for sieve size, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement, in the case of packed peas the order in which the steps in figuring the maximum price are to be taken differs from those specified in the note at the beginning of section 5 (a) 2. In figuring maximum prices under those paragraphs for packed peas, steps are to be taken in the order indicated below in all cases, although in many cases not all of the steps are necessary.

In each case where the processor is figuring a maximum price for a grade or a variety of peas different from that sold in the base period, he must add the permitted increase for the same grade and same variety of peas as that sold in the base period, before converting for the change in variety or change in grade, for the reason that the permitted increases for each grade and each variety of peas are different.

Conversions from metal containers to glass containers must be made in the 1944 prices and not in the base period prices, for the reason that the permitted increases and price ranges are based on cost increases and base period price data for metal containers only. In each case of conversion from metal to glass, the processor must first construct a maximum price for the item when packed in metal and then add the conversion factor named in Table 6, even though he packed the item in glass during the base period.

In each case of conversion from one variety and sieve size of peas to another variety

and sieve size (including blends) of peas the processor must figure this conversion by taking the difference between the specific dollars-and-cents maximum prices named in Table 4 for the two items and either adding this difference to or subtracting it from the constructed base price, as the situation requires. Whether the differential is to be added or subtracted depends on whether the dollars-and-cents price named in Table 4 for the item being priced is higher or lower than that named for the item from which conversion is being made. (For example, the X Canning Company whose factory is located in Area 1 sold Fancy Alaska Peas, No. 3 sieve size, in No. 2 cans during the base period, but made no sales of sweet peas during that period. It is now pricing Fancy Sweet Peas, No. 2 sieve size, in No. 2 cans. To figure the conversion for variety the company takes the difference between the dollars-and-cents price named for the Alaska Pea item in Part 1 of Table 4, and the dollars-and-cents price named in Part 2 of Table 4, for the Sweet Pea item (\$1.68—\$1.61 equals 0.25. Since the company is pricing an item with a higher dollars-and-cents price, the 0.25 differential is added to its constructed base price in making the conversion for variety).

An example of how other conversions, such as the conversions for can size and for grade, are figured is illustrated in the example in Appendix B for asparagus.

The word "ungraded" when used in connection with peas, refers to the sieve size and means not separated by sieve size.

The order in which the steps are to be taken in figuring the maximum price for packed peas under subparagraph (2), (3) or 4 of section 5 (a) is as follows:

1. Convert for container size.
2. Add permitted increase specified in Table 3 for variety and grade of packed peas sold in the base period.
3. Convert for variety.
4. Convert for grade.
5. Convert for sieve size.
6. Apply the limitations of the price range.
7. Convert for container type and size.
8. Subtract subsidy payable per unit of the finished product (converted where necessary to the unit being sold, by the use of the conversion factors named in Table 5 when sales are made to purchasers other than government procurement agencies).

TABLE 1—AREAS

1. Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
2. Indiana, Illinois, Ohio.
3. Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin.
4. Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, Wyoming.
5. California, Oregon, Washington.

TABLE 2—BASE PERIOD PRICES (ALL AREAS)

Weighted average calling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED PEAS WHO MADE SALES DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve size	No. 2 Cans				No. 10 Cans							
			Fancy		Ex. Standard		Standard		Fancy		Ex. Standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
1	1	No. 1	\$0.40	\$1.70-\$2.05	\$0.38	\$1.63-\$1.77	\$0.36	\$1.60-\$1.68	\$2.03	\$9.09-\$10.41	\$1.93	\$8.23-\$9.55	\$1.83	\$8.12-\$9.53
2		No. 2	.40	1.62-1.88	.38	1.51-1.65	.36	1.48-1.56	2.03	8.23-9.55	1.93	7.67-8.33	1.83	7.62-7.92
3		No. 3	.40	1.48-1.74	.38	1.35-1.49	.36	1.33-1.41	2.03	7.62-8.34	1.93	6.86-7.67	1.83	6.70-7.16
4		No. 4 and up	.40	1.39-1.64	.38	1.25-1.39	.36	1.23-1.31	2.03	7.01-8.33	1.93	6.35-7.06	1.83	6.25-6.60
5		Ungraded	.40	1.39-1.64	.38	1.25-1.39	.36	1.23-1.31	2.03	7.01-8.33	1.93	6.35-7.06	1.83	6.25-6.60
6	2	No. 1	.45	2.00-2.10	.43	1.70-1.84	.41	1.54-1.66	2.29	10.16-10.67	2.18	8.64-9.35	2.03	7.82-8.43
7		No. 2	.45	1.83-1.93	.43	1.55-1.69	.41	1.41-1.53	2.29	9.30-9.50	2.18	7.87-8.63	2.03	7.10-7.77
8		No. 3	.45	1.66-1.78	.43	1.41-1.55	.41	1.28-1.40	2.29	8.43-8.94	2.18	7.16-7.67	2.03	6.60-7.11
9		No. 4 and up	.45	1.54-1.64	.43	1.30-1.44	.41	1.18-1.30	2.29	7.82-8.33	2.18	6.60-7.32	2.03	6.09-6.60
10		Ungraded	.45	1.54-1.64	.43	1.30-1.44	.41	1.18-1.30	2.29	7.82-8.33	2.18	6.60-7.32	2.03	6.09-6.60
11	3	No. 1	.36	1.80-2.00	.33	1.57-1.71	.31	1.41-1.53	1.83	9.14-10.16	1.63	7.03-8.69	1.57	7.10-7.77
12		No. 2	.36	1.66-1.86	.33	1.45-1.59	.31	1.30-1.42	1.83	8.43-9.45	1.63	7.37-8.63	1.57	6.60-7.21
13		No. 3	.36	1.48-1.68	.33	1.29-1.43	.31	1.16-1.28	1.83	7.62-8.63	1.63	6.65-7.20	1.57	6.80-6.60
14		No. 4 and up	.36	1.35-1.55	.33	1.18-1.32	.31	1.07-1.19	1.83	6.86-7.87	1.63	6.09-6.71	1.57	5.41-6.04
15		Ungraded	.36	1.35-1.55	.33	1.18-1.32	.31	1.07-1.19	1.83	6.86-7.87	1.63	6.09-6.71	1.57	5.41-6.04
16	4	No. 1	.39	1.80-1.92	.35	1.56-1.66	.33	1.40-1.48	1.98	9.14-9.75	1.78	7.92-8.43	1.63	7.11-7.62
17		No. 2	.39	1.66-1.78	.35	1.45-1.55	.33	1.29-1.37	1.98	8.43-9.04	1.78	7.37-7.87	1.63	6.65-6.99
18		No. 3	.39	1.46-1.58	.35	1.28-1.38	.33	1.16-1.24	1.98	7.42-8.03	1.78	6.60-7.01	1.63	5.89-6.39
19		No. 4 and up	.39	1.36-1.48	.35	1.18-1.28	.33	1.07-1.15	1.98	6.91-7.62	1.78	6.09-6.60	1.63	5.41-5.84
20		Ungraded	.39	1.36-1.48	.35	1.18-1.28	.33	1.07-1.15	1.98	6.91-7.62	1.78	6.09-6.60	1.63	5.41-5.84
21	5	No. 1	.36	1.79-1.99	.34	1.55-1.71	.32	1.44-1.58	1.83	9.09-10.11	1.73	7.87-8.69	1.63	7.32-8.03
22		No. 2	.36	1.65-1.85	.34	1.43-1.59	.32	1.34-1.48	1.83	8.38-9.40	1.73	7.62-8.03	1.63	6.81-7.62
23		No. 3	.36	1.46-1.66	.34	1.27-1.43	.32	1.19-1.33	1.83	7.42-8.43	1.73	6.45-7.20	1.63	6.04-6.70
24		No. 4 and up	.36	1.34-1.54	.34	1.16-1.32	.32	1.10-1.24	1.83	6.81-7.82	1.73	6.09-6.71	1.63	5.69-6.39
25		Ungraded	.36	1.34-1.54	.34	1.16-1.32	.32	1.10-1.24	1.83	6.81-7.82	1.73	6.09-6.71	1.63	5.69-6.39

PART 2—SWEET PEAS

1	1	No. 1	\$0.43	\$1.79-\$1.99	\$0.41	\$1.68-\$1.84	\$0.38	\$1.59-\$1.73	\$2.18	\$9.09-\$10.11	\$2.08	\$8.63-\$9.35	\$1.93	\$8.03-\$9.70
2		No. 2	.43	1.76-1.96	.41	1.65-1.81	.38	1.57-1.71	2.18	8.94-9.96	2.08	8.38-9.19	1.93	7.93-8.69
3		No. 3	.43	1.58-1.78	.41	1.48-1.64	.38	1.41-1.55	2.18	8.03-9.04	2.08	7.62-8.33	1.93	7.10-7.87
4		No. 4 and up	.43	1.50-1.70	.41	1.41-1.57	.38	1.34-1.48	2.18	7.62-8.64	2.08	7.16-7.98	1.93	6.81-7.62
5		Ungraded	.43	1.44-1.64	.41	1.35-1.51	.38	1.28-1.42	2.18	7.32-8.33	2.08	6.86-7.67	1.93	6.60-7.21
6	2	No. 1	.36	1.71-1.91	.34	1.60-1.76	.32	1.39-1.53	1.83	8.69-9.70	1.73	8.13-8.94	1.62	7.09-7.77
7		No. 2	.36	1.63-1.88	.34	1.57-1.73	.32	1.36-1.50	1.83	8.53-9.55	1.73	7.93-8.79	1.62	6.91-7.62
8		No. 3	.36	1.52-1.72	.34	1.42-1.58	.32	1.23-1.37	1.83	7.72-8.74	1.73	7.21-8.03	1.62	6.25-6.99
9		No. 4 and up	.36	1.44-1.64	.34	1.35-1.51	.32	1.17-1.31	1.83	7.32-8.33	1.73	6.86-7.67	1.62	5.94-6.65
10		Ungraded	.36	1.38-1.58	.34	1.29-1.45	.32	1.12-1.26	1.83	7.01-8.03	1.73	6.65-7.37	1.62	5.69-6.40
11	3	No. 1	.36	1.71-1.91	.34	1.60-1.76	.32	1.39-1.53	1.83	8.69-9.70	1.73	8.13-8.94	1.62	7.09-7.77
12		No. 2	.36	1.63-1.88	.34	1.57-1.73	.32	1.36-1.50	1.83	8.53-9.55	1.73	7.93-8.79	1.62	6.91-7.62
13		No. 3	.36	1.52-1.72	.34	1.42-1.58	.32	1.23-1.37	1.83	7.72-8.74	1.73	7.21-8.03	1.62	6.25-6.99
14		No. 4 and up	.36	1.44-1.64	.34	1.35-1.51	.32	1.17-1.31	1.83	7.32-8.33	1.73	6.86-7.67	1.62	5.94-6.65
15		Ungraded	.36	1.38-1.58	.34	1.29-1.45	.32	1.12-1.26	1.83	7.01-8.03	1.73	6.65-7.37	1.62	5.69-6.40
16	4	No. 1	.36	1.71-1.91	.34	1.60-1.76	.32	1.39-1.53	1.83	8.69-9.70	1.73	8.13-8.94	1.62	7.09-7.77
17		No. 2	.36	1.63-1.88	.34	1.57-1.73	.32	1.36-1.50	1.83	8.53-9.55	1.73	7.93-8.79	1.62	6.91-7.62
18		No. 3	.36	1.52-1.72	.34	1.42-1.58	.32	1.23-1.37	1.83	7.72-8.74	1.73	7.21-8.03	1.62	6.25-6.99
19		No. 4 and up	.36	1.44-1.64	.34	1.35-1.51	.32	1.17-1.31	1.83	7.32-8.33	1.73	6.86-7.67	1.62	5.94-6.65
20		Ungraded	.36	1.38-1.58	.34	1.29-1.45	.32	1.12-1.26	1.83	7.01-8.03	1.73	6.65-7.37	1.62	5.69-6.40
21	5	No. 1	.35	1.67-1.78	.31	1.54-1.66	.29	1.32-1.44	1.78	8.43-9.09	1.67	7.82-8.43	1.47	6.71-7.32
22		No. 2	.35	1.64-1.76	.31	1.52-1.64	.29	1.29-1.41	1.78	8.33-8.94	1.67	7.72-8.33	1.47	6.65-7.10
23		No. 3	.35	1.46-1.58	.31	1.35-1.48	.29	1.17-1.29	1.78	7.42-8.03	1.67	6.91-7.62	1.47	6.04-6.65
24		No. 4 and up	.35	1.41-1.53	.31	1.30-1.42	.29	1.11-1.23	1.78	7.10-7.77	1.67	6.60-7.21	1.47	5.64-6.25
25		Ungraded	.35	1.37-1.49	.31	1.24-1.36	.29	1.06-1.18	1.78	6.66-7.67	1.67	6.30-6.91	1.47	5.39-5.99
26	6	No. 1	.38	1.66-1.86	.33	1.54-1.70	.31	1.38-1.52	1.83	7.47-8.08	1.67	6.91-7.62	1.47	5.89-6.50
27		No. 2	.36	1.63-1.83	.33	1.51-1.67	.31	1.35-1.50	1.83	8.43-9.45	1.63	7.82-8.64	1.57	7.01-7.72
28		No. 3	.36	1.46-1.66	.33	1.36-1.52	.31	1.22-1.36	1.83	8.28-9.30	1.63	7.67-8.48	1.57	6.91-7.62
29		No. 4 and up	.36	1.39-1.59	.33	1.29-1.45	.31	1.16-1.30	1.83	7.06-8.08	1.63	6.65-7.37	1.57	6.20-6.91
30		Ungraded	.36	1.33-1.53	.33	1.24-1.40	.31	1.11-1.25	1.83	6.76-7.77	1.63	6.30-7.11	1.57	5.89-6.60

PART 3—LARGE SEEDED SWEETS (SUCH AS PRINCE OF WALES, LAXTONS AND PROFUSIONS)

1	1	Ungraded	\$0.50	\$1.73-\$1.93	\$0.46	\$1.48-\$1.64	\$0.42	\$1.35-\$1.49	\$2.54	\$3.79-\$9.80	\$2.34	\$7.52-\$8.33	\$2.13	\$6.86-\$7.67
2	2	Ungraded	.50	1.66-1.98	.46	1.48-1.64	.42	1.30-1.44	2.54	8.43-10.08	2.34	7.52-8.33	2.13	6.60-7.32
3	3	Ungraded	.50	1.66-1.98	.46	1.48-1.64	.42	1.30-1.44	2.54	8.43-10.08	2.34	7.52-8.33	2.13	6.60-7.32
4	4	Ungraded	.50	1.53-1.85	.46	1.47-1.63	.42	1.24-1.38	2.54	7.77-9.40	2.34	7.47-8.28	2.13	6.30-7.01
5	5	Ungraded	.50	1.53-1.85	.46	1.47-1.63	.42	1.24-1.38	2.54	7.77-9.40	2.34	7.47-8.28	2.13	6.30-7.01

1. Blends of more than two sieve sizes.

PART 4—BLENDS OF SIEVE SIZES

Item No.	Area	Variety	No. 2 Cans						No. 10 Cans					
			Fancy		Extra Standard		Standard		Fancy		Extra Standard		Standard	
			Per- mitted increase	Price ranges	Per- mitted increase	Price ranges	Per- mitted increase	Price ranges	Per- mitted increase	Price ranges	Per- mitted increase	Price ranges	Per- mitted increase	Price ranges
1	1	Alaska Sweet	\$0.40	\$1.49-\$1.75	\$0.38	\$1.37-\$1.51	\$0.36	\$1.33-\$1.43	\$2.03	\$7.57-\$8.89	\$1.63	\$6.63-\$7.67	\$1.83	\$8.83-\$9.23
2	2		.45	1.67-1.77	.43	1.42-1.59	.41	1.23-1.41	2.29	8.48-8.69	2.18	7.21-7.62	2.03	6.55-7.16
3	3		.36	1.50-1.70	.33	1.31-1.45	.31	1.16-1.30	1.83	7.62-8.64	1.63	6.65-7.37	1.57	5.69-6.60
4	4		.39	1.49-1.61	.35	1.30-1.40	.33	1.17-1.25	1.63	7.67-8.18	1.73	6.69-7.11	1.63	5.94-6.35
5	5		.36	1.48-1.68	.34	1.23-1.45	.32	1.21-1.35	1.83	7.62-8.23	1.73	6.65-7.37	1.63	6.15-6.85
6	6		.43	1.57-1.77	.41	1.49-1.62	.38	1.49-1.64	2.18	7.63-8.63	2.03	7.62-8.23	1.93	7.11-7.82
7	7		.35	1.50-1.70	.34	1.41-1.57	.32	1.22-1.33	1.83	7.62-8.64	1.73	7.16-7.63	1.62	6.20-6.91
8	8		.36	1.50-1.70	.34	1.41-1.57	.32	1.22-1.33	1.83	7.62-8.64	1.73	7.16-7.63	1.62	6.20-6.91
9	9		.35	1.47-1.59	.31	1.29-1.43	.29	1.16-1.23	1.78	7.45-8.63	1.67	6.91-7.62	1.47	5.83-6.60
10	10		.36	1.45-1.65	.33	1.35-1.51	.31	1.21-1.35	1.83	7.57-8.23	1.63	6.82-7.67	1.57	6.15-6.85

2. The maximum price for a blend of two sieve sizes for a variety and grade shall be the same as the maximum price for the largest sieve size in the blend.

3. In blends of two sieve sizes of a variety and grade of peas, not more than 10 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 2 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve declared in the blend.

4. In blends of three sieve sizes of a variety and grade of peas, not more than 5 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 1 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve size declared in the blend.

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED PEAS DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve Size	No. 2 Cans			No. 10 Cans		
			Fancy	Extra Standard	Standard	Fancy	Extra Standard	Standard
1	1	No. 1	\$1.02	\$1.70	\$1.04	\$9.75	\$3.04	\$3.33
2		No. 2	1.75	1.63	1.62	8.69	8.03	7.72
3		No. 3	1.61	1.42	1.37	8.19	7.21	6.95
4		No. 4 and up	1.61	1.32	1.27	7.67	6.70	6.45
5		Ungraded	1.61	1.32	1.27	7.67	6.70	6.45
6	2	No. 1	2.05	1.77	1.69	10.41	8.69	8.13
7		No. 2	1.83	1.62	1.47	9.25	8.23	7.47
8		No. 3	1.71	1.45	1.34	8.63	7.62	6.81
9		No. 4 and up	1.69	1.37	1.24	8.63	6.69	6.20
10		Ungraded	1.69	1.37	1.24	8.63	6.69	6.20
11	3	No. 1	1.90	1.64	1.47	9.65	8.63	7.47
12		No. 2	1.76	1.62	1.39	8.94	7.72	6.91
13		No. 3	1.68	1.39	1.22	8.63	6.91	6.20
14		No. 4 and up	1.45	1.25	1.13	7.57	6.35	5.74
15		Ungraded	1.45	1.25	1.13	7.57	6.35	5.74
16	4	No. 1	1.89	1.61	1.44	9.45	8.18	7.32
17		No. 2	1.72	1.59	1.33	8.74	7.62	6.79
18		No. 3	1.62	1.33	1.29	7.72	6.70	6.03
19		No. 4 and up	1.42	1.23	1.11	6.23	6.23	5.64
20		Ungraded	1.42	1.23	1.11	6.23	6.23	5.64
21	5	No. 1	1.89	1.63	1.41	8.69	7.67	7.16
22		No. 2	1.75	1.61	1.41	8.69	7.67	7.16
23		No. 3	1.69	1.35	1.23	7.62	6.65	6.49
24		No. 4 and up	1.44	1.24	1.17	7.32	6.29	5.94
25		Ungraded	1.44	1.24	1.17	7.32	6.29	5.94

PART 2—SWEET PEAS

1	1	No. 1	\$1.63	\$1.70	\$1.63	\$9.69	\$3.04	\$3.43
2		No. 2	1.60	1.73	1.64	9.45	8.79	8.33
3		No. 3	1.68	1.69	1.45	8.63	7.62	7.62
4		No. 4	1.60	1.49	1.41	8.13	7.57	7.16
5		No. 5 and up	1.64	1.43	1.35	7.82	7.55	6.85
6	2	Ungraded	1.63	1.42	1.34	8.23	7.21	6.81
7		No. 1	1.81	1.63	1.45	9.19	8.53	7.42
8		No. 2	1.78	1.65	1.43	8.64	8.33	7.55
9		No. 3	1.62	1.60	1.39	8.23	7.62	6.60
10		No. 4	1.64	1.43	1.21	7.82	7.55	6.30
11	3	No. 5 and up	1.48	1.37	1.19	7.32	6.65	6.04
12		Ungraded	1.67	1.46	1.27	7.63	7.42	6.45
13		No. 1	1.81	1.68	1.46	9.19	8.53	7.42
14		No. 2	1.78	1.65	1.43	8.64	8.33	7.55
15		No. 3	1.62	1.60	1.39	8.23	7.62	6.60
16	4	No. 4	1.64	1.43	1.24	7.82	7.55	6.20
17		No. 5 and up	1.48	1.37	1.19	7.32	6.65	6.04
18		Ungraded	1.67	1.46	1.27	7.63	7.42	6.45
19		No. 1	1.73	1.60	1.38	8.79	8.13	7.01
20		No. 2	1.70	1.58	1.35	8.64	8.63	6.85
21	5	No. 3	1.62	1.42	1.23	7.72	7.21	6.23
22		No. 4	1.47	1.35	1.17	7.47	6.91	5.94
23		No. 5 and up	1.43	1.29	1.12	7.23	6.60	5.69
24		Ungraded	1.63	1.42	1.22	7.77	7.21	6.29
25		No. 1	1.76	1.62	1.43	8.94	8.23	7.57
26	6	No. 2	1.73	1.59	1.43	8.79	8.63	7.55
27		No. 3	1.66	1.44	1.23	7.62	7.32	6.55
28		No. 4	1.49	1.37	1.23	7.57	6.65	6.25
29		No. 5 and up	1.43	1.32	1.18	7.23	6.70	5.93
30		Ungraded	1.62	1.41	1.23	7.72	7.16	6.49

PART 3—LARGE SEEDED SWEET PEAS (SUCH AS FRANCH OF WALES, LAYTONS AND PRODUCTIONS)

1	1	Ungraded	\$1.83	\$1.69	\$1.42	\$9.39	\$7.62	\$7.21
2	2	Ungraded	1.82	1.69	1.57	9.21	7.62	6.90
3	3	Ungraded	1.82	1.69	1.57	9.21	7.62	6.90
4	4	Ungraded	1.69	1.69	1.81	8.63	7.87	6.63
5	5	Ungraded	1.69	1.69	1.81	8.63	7.87	6.63

TABLE 8—GRADE DIFFERENTIALS
PART 1—ALASKA PEAS

IMPORTANT: See note at the end of Part 4 for instructions as to how to figure grade differentials.
[Differences between successive grades (per dozen containers)]

Item No.	Area	Sieve Size	No. 2 Cans			No. 10 Cans		
			Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.	Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.
1	1	No. 1	\$0.22	\$0.06	\$0.10	\$1.12	\$0.30	\$0.51
2	1	No. 2	.17	.05	.10	.86	.30	.51
3	1	No. 3	.19	.05	.10	.96	.35	.51
4	1	No. 4 and up	.19	.05	.10	.96	.35	.51
5	1	Ungraded	.23	.05	.10	1.42	.89	.51
6	2	No. 1	.23	.15	.10	1.32	.70	.51
7	2	No. 2	.23	.15	.10	1.17	.71	.51
8	2	No. 3	.23	.13	.10	1.12	.66	.51
9	2	No. 4 and up	.22	.13	.10	1.12	.66	.51
10	2	Ungraded	.26	.17	.10	1.32	.89	.51
11	3	No. 1	.23	.14	.10	1.22	.81	.51
12	3	No. 2	.23	.14	.10	1.22	.81	.51
13	3	No. 3	.23	.12	.10	1.07	.61	.51
14	3	No. 4 and up	.20	.12	.10	1.07	.61	.51
15	3	Ungraded	.25	.17	.10	1.27	.86	.51
16	4	No. 1	.16	.13	.10	1.12	.66	.51
17	4	No. 2	.19	.13	.10	.96	.66	.51
18	4	No. 3	.19	.13	.10	.96	.66	.51
19	4	No. 4 and up	.19	.12	.10	.96	.61	.51
20	4	Ungraded	.23	.17	.10	1.32	.81	.51
21	5	No. 1	.23	.12	.10	1.22	.81	.51
22	5	No. 2	.23	.12	.10	1.22	.81	.51
23	5	No. 3	.21	.09	.10	1.07	.46	.51
24	5	No. 4 and up	.21	.09	.10	1.07	.46	.51
25	5	Ungraded	.20	.07	.10	1.02	.36	.51

PART 2—SWEET PEAS

Item No.	Area	Sieve Size	No. 2 Cans			No. 10 Cans		
			Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.	Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.
1	1	No. 1	\$0.13	\$0.10	\$0.10	\$0.66	\$0.51	\$0.51
2	1	No. 2	.12	.08	.10	.66	.46	.51
3	1	No. 3	.11	.08	.10	.66	.41	.51
4	1	No. 4	.11	.08	.10	.66	.41	.51
5	1	No. 5 and up	.11	.08	.10	.66	.41	.51
6	1	Ungraded	.13	.22	.10	.66	1.12	.51
7	2	No. 1	.13	.22	.10	.66	1.12	.51
8	2	No. 2	.13	.22	.10	.66	1.12	.51
9	2	No. 3	.11	.20	.10	.66	1.02	.51
10	2	No. 4	.11	.19	.10	.66	.96	.51
11	2	No. 5 and up	.11	.18	.10	.66	.91	.51
12	2	Ungraded	.11	.19	.10	.66	.96	.51
13	3	No. 1	.13	.22	.10	.66	1.12	.51
14	3	No. 2	.12	.20	.10	.66	1.12	.51
15	3	No. 3	.11	.19	.10	.66	1.02	.51
16	3	No. 4	.11	.18	.10	.66	.96	.51
17	3	No. 5 and up	.11	.18	.10	.66	.96	.51
18	3	Ungraded	.13	.22	.10	.66	1.12	.51
19	4	No. 1	.13	.22	.10	.66	1.12	.51
20	4	No. 2	.12	.20	.10	.66	1.12	.51
21	4	No. 3	.11	.19	.10	.66	1.02	.51
22	4	No. 4	.11	.18	.10	.66	.96	.51
23	4	No. 5 and up	.11	.18	.10	.66	.96	.51
24	4	Ungraded	.13	.22	.10	.66	1.12	.51
25	5	No. 1	.13	.22	.10	.66	1.12	.51
26	5	No. 2	.12	.20	.10	.66	1.12	.51
27	5	No. 3	.11	.19	.10	.66	1.02	.51
28	5	No. 4	.11	.18	.10	.66	.96	.51
29	5	No. 5 and up	.11	.18	.10	.66	.96	.51
30	5	Ungraded	.11	.15	.10	.66	.76	.51

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PEADED PEAS DURING THE BASE PERIOD

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

Item No.	Area	Variety	No. 2 Cans			No. 10 Cans		
			Fancy	Extra Standard	Standard	Fancy	Extra Standard	Standard
1	1	Alaska	\$1.59	\$1.44	\$1.39	\$8.08	\$7.32	\$7.06
2	2		1.73	1.40	1.35	8.79	7.37	6.89
3	3		1.60	1.38	1.24	8.13	7.01	6.30
4	4		1.65	1.32	1.21	7.87	6.86	6.15
5	5		1.67	1.37	1.28	7.98	6.96	6.50
6	6		1.67	1.47	1.47	7.98	7.37	7.47
7	7	Sweet	1.60	1.40	1.29	8.13	7.57	6.55
8	8		1.60	1.40	1.29	8.13	7.57	6.55
9	9		1.65	1.44	1.25	7.92	7.32	6.35
10	10		1.60	1.47	1.32	8.08	7.47	6.71

2. The maximum price for a blend of two sieve sizes of a variety and grade shall be the same as the maximum price for the largest sieve size in the blend.

3. In blends of two sieve sizes of a variety and grade of peas, not more than 10 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 2 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve size declared in the blend.

4. In blends of three sieve sizes of a variety and grade of peas, not more than 5 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 1 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve size declared in the blend.

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

ALL PEAS

To convert from a can size in this column

To a can size listed at the head of a column below, multiply by the appropriate conversion factor	ALL PEAS				
	8-oz.	1 pie-nic	1 tall	303	2. 10
8-oz.					1.70
1 pie-nic					1.62
1 tall					1.43
303					1.12
2.	0.59	0.66	0.70	0.89	5.08
10.	.11	.13	.14	.18	.20

The maximum price for a variety, sieve size (including blends) and grade of peas packed in 12 ounce vacuum cans, shall be 10 cents per dozen less than the maximum price for the same variety, sieve size, and grade packed in No. 2 cans.

TABLE 6—CONVERSIONS FROM TIN TO GLASS

ALL PEAS

[Dollars per dozen containers]

To get a price for the glass container size at the head of a column below, add the indicated amount	To convert from a sieve size in this column		To convert from a sieve size listed at the head of a column below, multiply by the appropriate conversion factor	
	1 sieve	2 sieve	3 sieve	4 sieve
1 sieve	1.02	0.98	0.89	0.85
2 sieve	1.18	1.10	.91	.82
3 sieve	1.18	1.10	.93	.82
4 sieve	1.23	1.21	1.04	.86
Ungraded	1.15	1.13	1.03	.94
No. 303				\$0.15

TABLE 7—SIEVE SIZE CONVERSION FACTORS

PART 1—ALASKA PEAS

To convert from a sieve size in this column

To a sieve size listed at the head of a column below, multiply by the appropriate conversion factor	PART 1—ALASKA PEAS				
	1 sieve	2 sieve	3 sieve	4 sieve	Un-graded
1 sieve	1.08	0.93	0.83	0.78	0.78
2 sieve	1.20	1.11	.90	.84	.84
3 sieve	1.20	1.10	1.03	.83	.83
4 sieve	1.20	1.10	1.03	.83	.83
Ungraded	1.20	1.10	1.03	.83	.83

PART 2—SWEET PEAS

To convert from a sieve size in this column

To a sieve size listed at the head of a column below, multiply by the appropriate conversion factor	PART 2—SWEET PEAS				
	1 sieve	2 sieve	3 sieve	4 sieve	Un-graded
1 sieve	1.02	0.98	0.89	0.85	0.87
2 sieve	1.18	1.10	.91	.82	.83
3 sieve	1.18	1.10	.93	.82	.83
4 sieve	1.23	1.21	1.04	.86	1.02
Ungraded	1.15	1.13	1.03	.94	1.06

TABLE 8—GRADE DIFFERENTIALS—Continued

PART 3—LARGE SEEDED SWEETS

(Such as Prince of Wales, Laxtons and Profusions)

Item No.	Area	Sieve Size	No. 2 Cans			No. 10 Cans		
			Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.	Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.
1	1.....	Ungraded.....	\$0.27	\$0.14	\$0.10	\$1.37	\$3.71	\$0.51
2	2.....	Ungraded.....	.28	.19	.10	1.32	.63	.51
3	3.....	Ungraded.....	.26	.19	.10	1.32	.63	.51
4	4.....	Ungraded.....	.14	.24	.10	.71	1.22	.51
5	5.....	Ungraded.....	.14	.24	.10	.71	1.22	.51

(PART 4) BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

[Differences between successive grades (per dozen containers)]

Item No.	Area	Variety	No. 2 Cans			No. 10 Cans		
			Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.	Fancy and Ex. Std.	Ex. Std. and Standard	Standard and Sub-Std.
1	1.....	Alaska.....	\$0.15	\$0.05	\$0.10	\$2.76	\$2.76	\$0.10
2	2.....		.24	.14	.10	1.22	.71	.19
3	3.....		.22	.14	.10	1.12	.71	.19
4	4.....		.20	.14	.10	1.01	.71	.19
5	5.....		.20	.09	.10	1.02	.49	.19
6	1.....	Sweet.....	.10	.10	.10	.59	.51	.19
7	2.....		.11	.20	.10	.53	1.02	.19
8	3.....		.11	.20	.10	.56	1.02	.19
9	4.....		.12	.19	.10	.59	.97	.19
10	5.....		.12	.15	.10	.61	.76	.19

2. The grade differential for a blend of two sieve sizes of a variety of peas shall be the same as the grade differential for the largest sieve size in the blend.

NOTE: In figuring prices based on grade differentials, if the processor has base prices for both a higher and a lower grade than the item being priced, he shall use the differential between the item being priced and the lower grade, except that substandard shall not be used as the lower grade. (For example, if the processor has base prices for both Fancy and Standard grades and now wishes to price Extra Standard he takes the difference between Extra Standard and Standard.)

TABLE 9—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS, ALL AREAS, VARIETIES, SIEVE SIZES, AND GRADES

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies	
No. 2 Cans	No. 10 Cans
\$0.20	\$1.02

To figure amount of subsidy for other container sizes, multiply the amount named above for No. 2 Cans by the appropriate conversion factor in Table 5.

This amendment shall become effective August 19, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12537; Filed, August 19, 1944;
11:37 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMFR 271, Amdt. 21]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment

* 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783.

has been issued and filed with the Division of the Federal Register.*

In Table V of section 14 the prices for August in the column "1944" are amended in the following respects:

State	Producing area	August, 1944
Indiana.....	Counties of Madison, St. Clair, Monroe, Clinton, Washington, Randolph, Perry, Jackson, Union, Alexander.	13.60
Illinois.....	Rest of State.....	13.60
Michigan.....	Winnebago, Worth, Mitchell, Howard, Hancock, Carro, Gordo, Floyd, Chikaskaw, Winnebago and Alhambra Counties.	13.60
Wisconsin.....	Rest of State.....	13.60
Iowa.....	Rest of State.....	13.60

* This price is effective from August 29 to August 31, 1944, inclusive.

This amendment shall become effective at 12:01 a. m., August 20, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

Approved: August 18, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-12565; Filed, August 19, 1944;
4:16 p. m.]

* Copies may be obtained from the Office of Price Administration.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 145]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respect:

A new § 1394.8117 is added to read as follows:

§ 1394.8117 *Expiration and denial of supplemental rations upon certification of the Navy Department in certain cases.* (a) Notwithstanding any other provision of this order, if the Navy Department's Officer-in-Charge of any of the plants specified below certifies to the appropriate Regional Office of the Office of Price Administration that an employee of any such plant is refusing or failing to comply with Executive Order No. 9463, the orders of the National War Labor Board or the lawful orders of such Officer-in-Charge, any supplemental ration issued to or for the use of such employee for occupational mileage for driving to or from any of such plants shall expire and the person to whom such ration was issued shall immediately surrender such ration to the issuing Board or to the person or persons authorized by the appropriate Regional Administrator to accept the surrender of such ration. The Regional Administrator is authorized to adopt procedures and issue all orders necessary to obtain surrender of such expired rations.

(b) No Board shall issue a supplemental ration to such an employee for such a purpose except upon presentation to the Board of a written statement signed by the Officer-in-Charge withdrawing such certification or stating that the applicant is now complying with such orders.

(c) The plants affected by this section are as follows:

The plants of the Pacific Gear and Tool Works, the Federal Mogul Corporation, the Link-Belt Company (Pacific Division), the U. S. Pipe and Manufacturing Company, and the Enterprise Engine and Foundry Company, located at San Francisco, California.

This amendment shall become effective August 18, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12566; Filed, August 19, 1944;
4:17 p. m.]

* 8 F.R. 15937.

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[RMPR 251¹]

CONSTRUCTION SERVICES AND SALES OF INSTALLED BUILDING MATERIALS

Maximum Price Regulation No. 251 is redesignated Revised Maximum Price Regulation No. 251 and is revised and amended to read as set forth herein.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

REVISED MAXIMUM PRICE REGULATION 251—CONSTRUCTION SERVICES AND SALES OF INSTALLED BUILDING MATERIALS

ARTICLE I—SCOPE OF REGULATION

Sec.

1. To what transactions this regulation applies.
2. Persons covered by this regulation.
3. Exclusions from this regulation.
4. Relation of this regulation to other regulations.

ARTICLE II—MAXIMUM PRICES

5. How to figure maximum prices.
6. Maximum prices for sales on a unit-price basis.
7. Maximum prices for sales on a contract job basis.
8. Price adjustments.
9. Regional pricing orders under this regulation.
10. Prohibitions against sales at higher than maximum prices.
11. Evasions.
12. Less than maximum prices.

ARTICLE III—MISCELLANEOUS

13. Notification to purchasers of existence of regulation.
14. Petitions for amendment.
15. Records and reports.
16. Enforcement.
17. Licensing.
18. Notification of compliance.
19. Other definitions.

AUTHORITY: Secs. 1 to 19 inclusive (§ 1397-51) issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—SCOPE OF REGULATION

SECTION 1. *To what transactions this regulation applies.* (a) This regulation covers installations of building materials into any building, structure, or construction project, and the removal therefrom of building materials, and construction services performed in connection with any building, structure, or construction project within the 48 States of the United States and the District of Columbia.

Such services and sales as excavation, demolition and site clearance, water well drilling, and landscaping are covered by this regulation.

(b) As used in this regulation, the term:

(1) "Construction service" means a transaction in which the seller furnishes only services in order to install building materials or equipment into a building, structure, or construction project or in order to remove building materials or

equipment from a building, structure, or construction project. It also includes services for the repair or remodeling of any building, structure, or construction project.

(2) A sale of "installed building materials" means a transaction in which the seller furnishes building materials and equipment together with the services required to incorporate such equipment or materials into a building, structure, or construction project. For the purposes of this regulation, any person who sells a building material product and, in connection therewith, assumes responsibility for its installation, by charging the consumer a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence, shall be considered as the seller of "installed building materials."

(3) "Building materials" means any raw material, processed or fabricated article, equipment, or any other commodity incorporated into or made a part of any building, structure, or construction project.

(4) The words "sell" and "sale", as used in this regulation, also include bids and offers and contracts to sell.

SEC. 2. *Persons covered by this regulation.* Any person who makes the kind of sale or supplies the kind of service and any person who makes the kind of purchase covered by this regulation is subject to it. The term "person" means an individual, corporation, partnership, association, or any other organized group of persons; its legal successors or representatives; the United States or any other government, or any of its political subdivisions; or any agency of any of the foregoing; and includes subcontractors as well as prime contractors.

SEC. 3. *Exclusions from this regulation.* This regulation does not apply to:

(a) The supply of any construction service or the sale of any installed building materials or equipment for which a maximum price is established by any other price regulation. Section 4 (b) gives several examples.

(b) The supply of any construction service or the sale of installed building materials or equipment pursuant to a contract entered into prior to November 5, 1942. Such services or sales remain subject to the regulation applicable to the service or sale prior to November 5, 1942.

SEC. 4. *Relation of this regulation to other regulations.*—(a) *General Maximum Price Regulation.*² This regulation supersedes the General Maximum Price Regulation for services and sales covered by this regulation, just as Maximum Price Regulation No. 251, prior to the present revision, superseded the General Maximum Price Regulation on and after November 5, 1942, for "Construction and Maintenance Services and Sales of Building and Industrial Equipment and Materials on an Installed or Erected Basis."

Construction services excluded from the General Maximum Price Regulation by paragraph (b) of Revised Supplementary Regulation No. 11³ to the General Maximum Price Regulation, including future amendments thereto, are also excluded from this regulation.

(b) As stated in section 3, services and sales for which a maximum price is established by any other price regulation are not covered by this regulation. This means that services and sales covered by Revised Maximum Price Regulation No. 165⁴ (Services), Maximum Price Regulation No. 134⁵ (Construction and Road Maintenance Equipment Rental Prices and Charges for Operating and Maintenance or Repair and Rebuilding Charges), Maximum Price Regulation No. 136⁶ (Machines and Parts, and Machinery Services), and other price regulations which establish maximum prices for certain types of services and sales will remain subject to these regulations. If any seller is in doubt as to the governing regulation, he should seek advice from the nearest OPA field office.

ARTICLE II—MAXIMUM PRICES

SEC. 5. *How to figure maximum prices.* (a) This regulation provides for two types of sales:

(1) Section 6 sets forth the maximum-pricing formula for sales on a unit-price basis, and

(2) Section 7 sets forth the maximum-pricing formula for contract jobs, both cost-plus and lump-sum.

(b) *Adjustable pricing.* Any person may supply a construction service or make a sale of installed building materials at the maximum price permitted by this regulation, subject to an agreement with the buyer to charge a higher price if it becomes permissible at the date the service is supplied or the material or equipment is installed. Moreover, when a request for a change in the applicable maximum price is pending, the Price Administrator may, upon application, grant the seller authorization to adjust maximum prices for services supplied on sales made during the pendency of the request in accordance with its disposition. Authorization will be given only if such action will aid in the war program or is essential to a standard of living consistent with the prosecution of the war and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization will be given by order, except that it may be given by letter or telegram when the

³ 7 F.R. 6426, 6965, 7604, 7758, 8283, 8431, 8810, 9195, 9894; 8 F.R. 130, 149, 2215, 3068, 3372, 4139, 4763, 4521, 4978, 5820, 6673, 7292, 7668, 7670, 8541, 8512, 9025, 9066, 9880, 10573, 10939, 11247, 11434, 12325, 13302, 14156, 14760, 15432, 16203, 16867, 17485; 9 F.R. 1531, 1911.

⁴ 7 F.R. 6428, 6968, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9393, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4783, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10930, 11754, 12023, 12710, 13302, 13473, 14990; 9 F.R. 1819.

⁵ 7 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 8948, 9785; 8 F.R. 1975, 3789, 5931, 9140, 10759, 12544, 13127, 16033, 17285; 9 F.R. 1321.

⁶ 8 F.R. 16132; 9 F.R. 1623, 2032, 2130.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8878; 8 F.R. 3628, 9334.

² 9 F.R. 1388.

pending request is for an individual application for adjustment.

SEC. 6. Maximum prices for sales on a unit-price basis. The maximum price for sales on a unit-price basis, such as per-hour, per-foot, per-square, or other time or measurement basis, shall be figured as follows:

(a) *If the same kind of work was done during March 1942.* If, during March 1942, the seller did the same kind of work, his maximum price is the highest price he charged during March 1942 to a purchaser of the same class, using the highest March 1942 unit rate for that kind of work, or, if he had no specific rate, the highest price to each class of purchaser resulting from the price-fixing method in use by the seller during March 1942. However, the rate or price determining method may be adjusted by the seller so as to include:

(1) Increases in the cost of materials since March 1942, but not including costs in excess of their maximum prices; and
(2) Increases in labor costs up to and including October 3, 1942. Additional payments for Federal old-age benefits, unemployment compensation taxes, and workmen's compensation and public liability insurance shall be regarded as being part of such increased labor costs.

(b) *If the same kind of work was not done during March 1942.* If, during March 1942, the seller did not do the same kind of work, or if he cannot figure his maximum price under paragraph (a) for any other reason, the seller shall file with the OPA District Director for the district in which his principal place of business is located an application for approval of a proposed maximum price, giving the following information:

- (1) His name and address;
- (2) Kinds of sales to be made;
- (3) Area in which sales are to be made;
- (4) Reasons why the pricing provisions of paragraph (a) are not applicable;
- (5) Proposed maximum price;
- (6) Basis for the requested maximum price, showing costs and margin (including profit). If labor rates for the particular class of mechanics or laborers have increased since October 3, 1942, show the October 3, 1942 rate, increases since that time, and whether such increases have been authorized or approved by the Wage Adjustment Board, National War Labor Board, or Economic Stabilization Director;
- (7) The names and addresses of representative competitive sellers in the same area, and their maximum prices for the same or similar sales, if the maximum prices are readily available.

Any maximum price authorized under this paragraph (b) will be a price in line with the level of maximum prices established under the regulation. An authorized maximum price will not be in effect under this paragraph (b) until the seller has been notified of the approval, through the issuance of a letter-order, by the District Director of the Office of Price Administration.

For price adjustment provisions, see section 8.

SEC. 7. Maximum prices for sales on a contract job basis. The maximum price for sales on the basis of a particular job, not including sales on a unit-price basis, shall be figured as follows:

(a) *Cost-plus jobs.* For sales on the basis of cost-plus-a-percentage-of-cost, cost-plus-a-fixed-fee, or any other basis of addition to cost, the maximum price shall be the sum of the following factors:

(1) Actual cost of materials (including installed equipment), not exceeding their maximum prices: *Provided, however,* That as to any building materials or equipment regularly manufactured or processed by the seller for the purpose of sale both on an uninstalled and installed basis, instead of actual cost he may charge up to, but not more than, the maximum price applicable to a sale by him of such materials or equipment to a third party of the same class.

(2) Actual labor costs, not exceeding labor cost figured on the basis of labor rates prevailing in or applicable to the area of installation on October 3, 1942, for the same classes of mechanics or laborers employed on a comparable type of work.

(3) Other actual direct costs, including the cost of subcontracts, not otherwise provided for in paragraphs (a) (1) and (2) above, but not exceeding their maximum prices: *Provided, however,* That a seller using his own equipment necessary for installing building materials or for performing a construction service may, instead of actual cost, include up to, but not more than, the maximum rental rates applicable to a rental by him of such equipment to a third party of the same class.

Selling expenses shall be included under subparagraph (4), and not as "other actual direct costs."

(4) A margin to include administrative and overhead costs, selling expenses, and profit (excluding any reserve for contingencies) not in excess of (i) the seller's highest estimated percentage margin on a comparable sale involving the same type of work during the period January 1, 1939, to March 31, 1942, supported by his records or other satisfactory evidence of such a sale or sales by him; or (ii) if the margin cannot be figured on that basis, a margin which would have been his margin in March 1942 on a comparable sale involving the same type of work and based upon his own general experience or the industry's experience on such comparable sales, supported by records or satisfactory evidence of his own sales or comparable sales by other sellers. (Records or evidence supporting margins must be produced upon request of OPA.)

Any changes in plans or specifications which will increase or decrease the cost of a job shall be priced on the basis of the formula in paragraph (a) of this section 7.

For price adjustment provisions, see section 8.

(b) *Lump-sum jobs.* For sales on the basis of a total selling price (inclusive of

all costs and profit), commonly called a lump-sum contract, the maximum price shall be the sum of the following factors:

(1) Estimated cost of materials (including installed equipment), not exceeding their maximum prices: *Provided, however,* That as to any building materials or equipment regularly manufactured or processed by the seller for the purpose of sale both on an uninstalled and installed basis, instead of estimated cost he may charge up to, but not more than, the maximum price applicable to a sale by him of such materials or equipment to a third party of the same class.

(2) Estimated labor costs, not exceeding labor cost figured on the basis of labor rates prevailing in or applicable to the area of installation on October 3, 1942, for the same classes of mechanics or laborers employed on a comparable type of work.

(3) Other estimated direct costs, including the cost of subcontracts, not otherwise provided for in paragraphs (b) (1) and (2) above, but not exceeding their maximum prices: *Provided, however,* That a seller using his own equipment necessary for installing building materials or for performing a construction service may, instead of estimated cost, include up to, but not more than, the maximum rental rates applicable to a rental by him of such equipment to a third party of the same class.

Selling expenses shall be included under subparagraph (5), and not as "other estimated direct cost."

(4) An estimated reserve for such contingencies as the seller in good faith can reasonably foresee: *Provided, however,* That no amounts shall be included within the estimated reserve for contingencies which represent costs in excess of those permitted under paragraph (b) (1), (2), and (3) of this section 7 (b).

(5) A margin to include administrative and overhead costs, selling expenses, and profit not in excess of (i) the seller's highest estimated percentage margin on a comparable sale involving the same type of work during the period January 1, 1939, to March 31, 1942, supported by his records or other satisfactory evidence of such a sale or sales by him; or (ii) if the margin cannot be figured on that basis, a margin which would have been his margin in March 1942 on a comparable sale involving the same type of work and based upon his own general experience or the industry's experience on such comparable sale, supported by records or satisfactory evidence of his own sales or comparable sales by other sellers (Records or evidence supporting margins must be produced upon request of OPA).

Any changes in plans or specifications which will increase or decrease the cost of a job shall be priced on the basis of the formula in paragraph (b) of this section 7.

For price adjustment provisions, see section 8.

SEC. 8. Price adjustments—(a) Government required or authorized wage increases. An employer paying labor rates higher than those in effect for him on

October 3, 1942, by reason of a predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or an order or authorization of the Wage Adjustment Board, National War Labor Board, or Economic Stabilization Director may add his increased labor cost to his maximum price determined under section 6 or 7. For the purpose of this section "increased labor cost" means the difference in amount between the employer's labor cost based upon labor rates in effect on October 3, 1942, and his labor cost based upon such legally approved rates, plus his additional payments for Federal old age benefits, unemployment compensation taxes, workmen's compensation and public liability insurance.

It should be noted that the increased labor cost is to be added to the maximum price determined under section 6 or 7; this means that the increased labor cost may not be used in the calculation under section 6 or 7 so as to be subject to the mark-up factor.

An application need not be made to the Office of Price Administration nor its prior approval obtained in order to put into effect the maximum price increases described in this paragraph (a).

(b) *Other wage increases.* In the case of any employer who employs a total of not more than 8 persons, and if wage increases paid by him have been exempted from the provisions of Executive Order No. 9250 by the National War Labor Board and do not violate any regulations of that Board, price adjustments may be made in either of the following situations:

(1) When there has been made a wage predetermination under the Davis-Bacon Act or a wage award by the Board or Office having jurisdiction, which affects a substantial number of employers in a particular area, each Regional Administrator of the Office of Price Administration, and any District Director to whom he has by order delegated authority, may issue a price adjustment order applicable to all sellers of the same or similar commodities or services in the area, for the kinds of work involved, authorizing the addition of the increased labor cost to established maximum prices, where this is found generally necessary to maintain essential construction services or essential sales of installed building materials; or

(2) In all other cases within this paragraph (b), each Regional Administrator, and any District Director to whom he has by order delegated authority, may make adjustments or act upon applications for adjustment filed by sellers in accordance with Revised Procedural Regulation No. 1, subject to a finding that the adjusted maximum price will be in line with maximum prices of competitive sellers for the same or most similar types of sales, considering the type of work to be performed, the classes of mechanics or laborers employed on such work, and the comparability of operations between applicant and his competitors.

(c) *Local shortage.* The Price Administrator, or any duly authorized representative thereof, may by order adjust any maximum price established under

this regulation whenever it is determined:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of any building materials or equipment on an installed basis or the supply of any construction service subject to this regulation, which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increases in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (c).

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.⁷

(d) *Government contracts.* Any person who has made or intends to make a government contract, or subcontract thereunder, who believes that a maximum price under this regulation impedes or threatens to impede the production, manufacture, or distribution of a commodity or the supply of a service which is essential to the war program and which is or will be the subject of the contract or subcontract may file an application for adjustment of that maximum price in accordance with Procedural Regulation No. 6,⁸ issued by the Office of Price Administration.

SEC. 9. *Regional pricing orders under this regulation.* (a) Each Regional Administrator of the Office of Price Administration is hereby authorized to issue and put into effect pricing orders under this Revised Maximum Price Regulation No. 251, in accordance with the Emergency Price Control Act of 1942, as amended, and consistent with Executive Orders Nos. 9250 and 9328, establishing maximum prices for particular kinds, types, or classifications of construction services or sales of installed building materials, or both, applicable to a particular community or a defined area. Any such pricing order issued in accordance with this section 9, including the standards set forth below, shall have the same force and effect as if issued by the Price Administrator. Any such pricing order may be revised, amended, or revoked by the Price Administrator.

In issuing regional pricing orders under this section 9, each Regional Administrator shall observe the following standards:

(1) Maximum prices shall be stated in dollars-and-cents terms unless this shall clearly appear to be impracticable or inappropriate.

⁷ F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

⁸ 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

(2) Maximum prices fixed by any such pricing order shall not exceed the general level of prices fixed by Revised Maximum Price Regulation No. 251.

(b) Regional pricing orders and accompanying opinions issued under this section 9 shall be filed with the Division of the Federal Register.

SEC. 10. *Prohibitions against sales at higher than maximum prices.* On and after the effective date of this regulation:

(1) No person shall sell, offer to sell, or deliver building materials or equipment on an installed basis, or sell or supply any construction service at a price higher than the maximum price established by this regulation.

(2) No person in the course of trade or business shall buy or receive any building materials or equipment on an installed basis or any construction service at a price higher than that permitted by this regulation: *Provided, however,* That no buyer shall be liable under this section if, upon completing a sale subject to this regulation, the seller shall give the buyer a written affirmation that to the best of his knowledge, information, and belief the prices charged do not exceed the applicable maximum prices, and if the buyer shall have no cause to doubt the accuracy of the affirmation, and if the actual price paid is not in excess of what the seller affirmed to be the maximum price.

SEC. 11. *Evasions.* (a) Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, agreements, trade understandings, and the like. The following are among the specific practices prohibited:

(1) Requiring the purchaser to furnish material for processing not in accordance with previous practice;

(2) Eliminating or reducing any maintenance or repair service customarily offered as part of a job;

(3) Lowering quality of materials and equipment below that called for in the specifications without making a corresponding reduction in price;

(4) Making terms or conditions of sale more onerous to the purchaser than those in effect or available to the purchaser during the period January 1, 1939, to March 31, 1942, unless the change is necessitated by an order issued by, or at the request of any agency of the United States. This includes decreasing the period for which credit is extended, reducing the cash discount period, making greater charges for extension of credit, or reducing the cash discount.

(b) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited by subparagraphs (1), (2), (3), and (4) of this paragraph (a).

SEC. 12. *Less than maximum prices.* Prices lower than maximum prices may, of course, be charged and paid.

ARTICLE III—MISCELLANEOUS

SEC. 13. *Notification to purchasers of existence of regulation.* Every person

making sales subject to this Revised Maximum Price Regulation No. 251 shall, before entering into a contract or making a sale subject thereto, notify the purchaser of the existence of the regulation and, upon request of the purchaser, make available a copy of it or a copy of the OPA trade bulletin at the seller's principal place of business and at each of his branch offices for examination by the purchaser: *Provided*, That the requirements of this section 13 do not apply to transactions, including bids, with any agency of the United States.

SEC. 14. *Petitions for amendment.* Any person seeking a modification of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1. A petition for amendment must propose a change of general applicability in the regulation for the industry as a whole or a substantial portion thereof or a change affecting all sellers in a given area, as distinguished from an application which seeks an individual price adjustment.

SEC. 15. *Records and reports—(a) Records.* All sellers of building materials or equipment on an installed basis, and all sellers of construction services, must keep records concerning each sale subject to this regulation, including the name of the purchaser, location of the job, the date of the transaction, a description of the commodities and services involved, and a full statement of the method by which the maximum price was calculated, including reference to the appropriate pricing section of the regulation. Records of a kind the seller has customarily kept must also be retained. All such records shall be available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 16. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) Agencies of the United States and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation.

SEC. 17. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

No. 167—9

SEC. 18. *Notification of compliance.* In the case of any sale subject to this regulation the seller, at the time of final settlement, shall, where demand is made by the purchaser, file a statement with the purchaser that the sale price is not in excess of the maximum price determined in accordance with this regulation.

SEC. 19. *Other definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to any other terms not specifically defined herein.

Effective date. This regulation shall become effective August 26, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of August 1944.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the provisions of sections 6, 7, and 8 of this regulation are necessary to aid in the effective prosecution of the war and hereby approve the issuance thereof.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-12598; Filed, August 21, 1944;
11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 73]

POWDERED ORANGE JUICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.3 is amended by adding paragraph (n) to read as follows:

(n) Sales and deliveries of powdered orange juice for use in fulfilling (1) a contract with the United States or any of its agencies or with a government or agency of a government of any country the defense of which the President deems vital to the defense of the United States under the aforesaid Act, or (2) a subcontract under any such contract.

This amendment shall become effective August 19, 1944.

Issued this 19th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12567; Filed, August 19, 1944;
4:15 p. m.]

*Copies may be obtained from the Office of Price Administration.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 208—FLOOD CONTROL REGULATIONS

MAINTENANCE AND OPERATION OF FLOOD CONTROL WATERS

Correction

In F.R. Doc. 44-12285, appearing at page 9999 of the issue for Thursday, August 17, 1944, the first word of § 208.10 (b) (1) (iv) should read "Toe". In paragraph (c) (1) (viii) the first word should read "Toe". Paragraph (g) (1) (iii) should read "(iii) The capacity of the channel or floodway is not being reduced by the formation of shoals;"

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO THE REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 367, 375, 391a, 404, 463a, 481, 489), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations and approval of equipment are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

CARE AND INSPECTION; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.5-1 (a) is amended to read as follows:

§ 33.5-1 *Preparation for voyage—TB/ALL.* (a) Lifeboats, life rafts, and buoyant apparatus shall be fully equipped before the vessel leaves port, and the equipment shall remain in the boat, raft, or buoyant apparatus throughout the voyage. It shall be unlawful to stow in any boat, raft, or buoyant apparatus any articles not required by Chapter 1 of this title unless such articles can be properly stowed so as not to reduce the seating capacity or space available to occupants and so as not to adversely affect the seaworthiness of such lifeboats, rafts or buoyant apparatus.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.10a (b) is amended to read as follows:

§ 59.10a *General requirements as to equipment for lifeboats, life rafts, and buoyant apparatus.* * * *

(b) Lifeboats, life rafts, and buoyant apparatus shall be fully equipped before the vessel leaves port, and the equipment shall remain in the boat, raft, or buoyant apparatus throughout the voyage. It shall be unlawful to stow in any boat,

raft, or buoyant apparatus any articles not required by Chapter 1 of this title unless such articles can be properly stowed so as not to reduce the seating capacity or space available to occupants and so as not to adversely effect the seaworthiness of such lifeboats, rafts or buoyant apparatus.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.8a is amended to read as follows:

§ 60.8a *General requirements as to equipment for lifeboats, life rafts, and buoyant apparatus.* Vessels subject to this part shall comply with the requirements in § 59.10a of this chapter in effect on August 19, 1944.

APPROVAL OF EQUIPMENT

FIRE-INDICATING AND ALARM SYSTEM

Fire-indicating and alarm system (Sheets 1, 2, 3, and 4 of Dwg. No. 12243, Alt. 4, revised 12 May, 1944) (Catalog No. 572), submitted by Auth Electrical Specialty Co., Inc., 422-430 East 53rd Street, New York, N. Y.

LIFEBOAT

22' x 7.5' x 3.167' metallic motor propelled lifeboat (313 cu. ft. gross capacity) (General Arrangement Dwg. No. G-344, dated 5 July, 1944), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

LIFE PRESERVER LIGHTS

Life preserver light, Model A (Dwg. No. 302-B-1, dated 1 May, 1944, Rev. 16 June, 1944 and 13 July, 1944), submitted by Colvin-Slocum Boats, Inc., 15 Park Row, New York, N. Y. (Supersedes approval 17 July, 1942, 7 F. R. 5495)

Life preserver light, Model B (Dwg. No. 303-B, dated 26 April, 1944, Rev. 31 July, 1944), submitted by Colvin-Slocum Boats, Inc., 15 Park Row, New York, N. Y.

WINCH

Schat Type S. E. W-19 lifeboat winch, fitted with quick-return mechanism (Arrangement Dwg. No. BA 380, dated 21 July, 1944) (Working load of 6335 pounds at the drum), submitted by Lane Lifeboat and Davit Corporation, Foot of 40th Road, Flushing, N. Y.

AUGUST 18, 1944.

R. R. WAESCHE,
Vice Admiral, USCG,
Commandant.

[F. R. Doc. 44-12577; Filed, August 21, 1944; 9:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 189, Amdt. 5]

PART 97—ROUTING OF TRAFFIC

EMBARGO OF ROUTES AND TRANSIT ARRANGEMENTS ON GRAIN AND RELATED ARTICLES

Note: Amendment 5 to Service Order 189 (9 F.R. 3357) amended Appendix A effective at 12:01 a. m., September 15, 1944, and was filed as Federal Register Document 44-12578 on August 21, 1944, at 10:28 a. m.

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. SA-93]

AIRCRAFT OF U. S. REGISTRY NC 823M

INVESTIGATION OF ACCIDENT OCCURRING NEAR ANTILLA, CUBA

In the matter of investigation of accident involving aircraft of United States Registry NC 823M which occurred at Antilla, Cuba, on August 8, 1944.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Tuesday, August 22, 1944, at 10:00 a. m. (e. w. t.) in the County Court House Building, Miami, Florida.

Dated at Washington, D. C., August 18, 1944.

W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 44-12489; Filed August 19, 1944; 10:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6604]

FINGER LAKES BROADCASTING SYSTEM

NOTICE OF HEARING

In re application of The Finger Lakes Broadcasting System (Gordon P. Brown, Owner) (New); date filed, March 3, 1944; for construction permits; class of service, broadcast; class of station, broadcast; location, Geneva, New York; operating assignment specified: frequency, 1240 kc; power, 250 watts; hours of operation, unlimited (Requesting facilities WSAY when vacated). File No. B1-P-3581.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the applications of WARC, Inc., Docket No. 6605; Rochester Broadcasting Corp., Docket No. 6606, and Seneca Broadcasting Corporation, Docket No. 6607, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the program service proposed by the applicant and whether it will meet the requirements of the population and area proposed to be served.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942, or any subsequent modifications thereof.

4. To determine the areas and populations which would receive primary service from the operation of the proposed station, and what other broadcast serv-

ices are available to those areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station WATN.

6. To determine the areas and populations which may be expected to lose primary service, particularly from Station WATN as a result of the operation of the proposed station, and what other broadcast services are available to those areas and populations.

7. To determine whether, in view of the facts adduced under the foregoing issues, the issues in Dockets 6605, 6606 and 6607, public interest, convenience or necessity would be served through the granting of this application, the application of WARC, Inc., the application of Seneca Broadcasting Corporation, the application of Rochester Broadcasting Corporation or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: The Finger Lakes Broadcasting System, Gordon P. Brown, Owner, 192 South Goodman Street, Rochester, New York.

Dated at Washington, D. C., August 12, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12592; Filed, August 21, 1944; 11:42 a. m.]

[Docket No. 6605]

WARC, Inc.

NOTICE OF HEARING

In re application of WARC, Inc. (New); date filed December 13, 1943; for construction permit; class of service, broadcast; class of station, broadcast; location, Rochester, New York; operating assignment specified: frequency, 1240 kc; power, 250 watts; hours of operation, unlimited (Facilities being relinquished by WSAY). File No. B1-P-3565.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the applications of The Finger Lakes Broadcasting System, Docket 6604; Rochester Broadcasting Corp., Docket 6606 and Seneca Broadcasting Corp., Docket 6607, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the program service proposed by the applicant and whether it will meet the requirements of the population and area proposed to be served.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942, or any subsequent modifications thereof.

4. To determine the areas and populations which would receive primary service from the operation of the proposed station, and what other broadcast services are available to those areas and populations.

5. To determine whether, in view of the facts adduced under the foregoing issues, the issues in Dockets 6604, 6606, and 6607, public interest, convenience or necessity would be served through the granting of this application, the application of Finger Lakes Broadcasting System, the application of Seneca Broadcasting Corporation, the application of Rochester Broadcasting Corporation or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: WARC, Inc., 99 Dewey Avenue, Rochester, N. Y.

Dated at Washington, D. C., August 12, 1944.

By the Commission.

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12593; Filed, August 21, 1944;
11:42 a. m.]

[Docket No. 6606]

ROCHESTER BROADCASTING CORP.

NOTICE OF HEARING

In re application of Rochester Broadcasting Corporation (New); date filed, March 8, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Rochester, New York; operating assignment specified; frequency, 1240 kc; power, 250 w; hours of operation, unlimited; (Requests facilities of WSAY when vacated). File No. B1-P-3593.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the applications of The Finger Lakes Broadcasting System (Gordon P. Brown, Owner), Docket No. 6604; WARC, Inc., Docket No. 6605; and Seneca Broadcasting Corporation, Docket No. 6607, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the program service proposed by the applicant and whether it will meet the requirements of the population and area proposed to be served.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942, or any subsequent modifications thereof.

4. To determine the areas and populations which would receive primary service from the operation of the proposed station, and what other broadcast services are available to those areas and populations.

5. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly with reference to the ground system.

6. To determine whether, in view of the facts adduced under the foregoing issues, the issues in Dockets 6604, 6605 and 6607, public interest, convenience or necessity would be served through the granting of this application, the application of WARC, Inc., the application of Seneca Broadcasting Corporation, the application of Finger Lakes Broadcasting System, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Rochester Broadcasting Corporation, Room 600, 31 Exchange Street, Rochester 4, New York.

Dated at Washington, D. C., August 12, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12594; Filed, August 21, 1944;
11:42 a. m.]

[Docket No. 6607]

SENECA BROADCASTING CORP.

NOTICE OF HEARING

In re application of Seneca Broadcasting Corporation (New); date filed, May 15, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Rochester, New York; operating assignment specified: frequency, 1240 kc; power, 250 w; hours of operation, unlimited. File No. B1-P-3618.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the applications of The Finger Lakes Broadcasting System, Docket No. 6604; WARC, Inc., Docket No. 6605; and Rochester Broadcasting Corporation, Docket No. 6606, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the program service proposed by the applicant and whether it will meet the requirements of the population and area proposed to be served.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942, or any subsequent modifications thereof.

4. To determine the areas and populations which would receive primary service from the operation of the proposed station, and what other broadcast services are available to those areas and populations.

5. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly with reference to the ground system, and the proposal to erect the radiating system on a building approximately one-quarter wave length in height.

6. To determine whether, in view of the facts adduced under the foregoing issues, the issues in Dockets 6605, 6604 and 6606, public interest, convenience or necessity would be served through the granting of this application, the application of WARC, Inc., the application of Finger Lakes Broadcasting System, the application of Rochester Broadcasting Corporation or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of

the Commission's rules of practice and procedure.

The applicant's address is as follows: Seneca Broadcasting Corporation, 604 Wilder Building, Rochester, New York.

Dated at Washington, D. C., August 12, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12595; Filed, August 21, 1944;
11:42 a. m.]

[Docket No. 6650]

WESTERN UNION TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION

In the matter of The Western Union Telegraph Company charges, classifications, practices and regulations in connection with money order service to members of the Armed Forces of the United States.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of August, 1944;

It appearing that The Western Union Telegraph Company accepts for transmission and delivery at its offices in the United States telegraph money orders addressed to members of the United States Armed Forces whose addresses are "Care Postmaster", "Care APOs", or "Care Fleet POs", and transmits such money orders telegraphically to gateway cities, at which point they are converted into postal money orders and mailed to the addressees; and

It further appearing, that The Western Union Telegraph Company collects for the above-described service its regular domestic money order charges, which are higher than the charges of the Post Office for through mail handling of Post Office money orders; and

It further appearing that The Western Union Telegraph Company, in the rendition of such service, is employing classifications, regulations or practices affecting its domestic money order service which are different from those specified in its applicable legally effective tariff schedules filed with this Commission, and that such classifications, regulations or practices may not be just and reasonable;

It is ordered, Upon the Commission's own motion, that an investigation be, and it is hereby, instituted into the matter of the rates, charges and related classifications, practices, and regulations for and in connection with the money order services of The Western Union Telegraph Company involving transmission and delivery of money orders to members of the United States Armed Forces; and

It is further ordered, That The Western Union Telegraph Company appear and show cause under oath (1) why the Commission should not order it immediately to cease and desist from employing classifications, regulations or practices affecting its domestic money order service which are different from those specified

in the applicable legally effective tariff schedules of The Western Union Telegraph Company on file with this Commission, and (2) why classifications, regulations or practices employed by the company in the rendition of money order service for members of the United States Armed Forces should not be found and declared to be unjust and unreasonable; and

It is further ordered, That this matter be, and it is hereby, assigned for hearing at the offices of the Commission in Washington, D. C., at a time and date to be hereafter fixed by notice to the respondent.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12596; Filed, August 21, 1944;
11:42 a. m.]

[Docket Nos. 6155, 6157]

AIR-WAVES, INC. AND LOUISIANA
COMMUNICATIONS, INC.

ORDER SETTING HEARING DATE UPON STATED ISSUES

In re applications of Air-Waves, Inc. (New), Baton Rouge, Louisiana, Docket No. 6155, File No. B3-P-3202; and Louisiana Communications, Inc. (New), Baton Rouge, Louisiana, Docket No. 6157, File No. B3-P-3242. For construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of August, 1944;

The Commission having under consideration the petitions (filed March 25, 1944) by Air-Waves, Inc., and Louisiana Communications, Inc., for reinstatement and grant of their respective applications for construction permits to erect new broadcast stations at Baton Rouge, Louisiana, both of which were dismissed without prejudice, respectively, on August 18, 1942; and August 4, 1942;

It is ordered, That both of said petitions be, and the same are hereby, granted in part to permit reinstatement of said applications; and

It is further ordered, That both of the said applications be, and the same are hereby, designated for further hearing to be held in consolidation, on September 27, 1944, upon the following issues:

1. To obtain current information concerning the financial and other qualifications of each of the applicant corporations and of their respective officers, stockholders, and directors, to construct and operate their proposed stations.

2. To determine the truth and accuracy of representations made by or in behalf of each of the applicants in their respective applications for construction permits, in the course of the hearings on said applications and in communications and documents addressed to the Commission.

3. To obtain current information with respect to the nature and character of the program service proposed by each of the applicants.

4. To obtain current information with respect to the areas and populations which would receive primary service from the operation of the proposed station and what other broadcasting service is available to these areas and populations.

5. To determine whether the proposed operation will serve an outstanding public need or national interest.

6. To determine whether the granting of either application would, in other respects, be consistent with the supplemental statement of policy issued by the Commission on January 26, 1944.

7. To determine whether, in view of the facts adduced under the foregoing issues, the public interest, convenience and necessity would be served by the granting of the application of Air-Waves, Inc. (File No. B2-P-3202; Docket No. 6155), the application of Louisiana Communications, Inc. (File No. B3-P-3242; Docket No. 6157), or either of them.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12597; Filed, August 21, 1944;
11:43 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-103]

UNITED GAS CORPORATION

ORDER FIXING DATE OF HEARING

AUGUST 18, 1944.

Upon consideration of the application filed June 28, 1944, as amended, by the United Gas Corporation, seeking an order granting a renewal of authorization, pursuant to Section 3 of the Natural Gas Act, for the exportation of natural gas from the State of Texas, to the Republic of Mexico, for distribution in the City of Nuevo Laredo, State of Tamaulipas, Mexico, and adjoining environs; and

It appearing to the Commission that:

(a) Applicant has heretofore been operating and maintaining facilities for the exportation of natural gas to the Republic of Mexico, for distribution in the City of Nuevo Laredo, pursuant to a Presidential Permit issued on September 5, 1940, to Applicant under Executive Order No. 8202.

(b) On September 10, 1940, the Commission issued an order authorizing the exportation of natural gas by Applicant from the United States to the City of Nuevo Laredo, Mexico, in accordance with the terms of a contract dated September 30, 1931, for the purchase and sale of natural gas between Texas Border Gas Company (predecessor of Applicant), as seller, and Compania de Gas de Nuevo Laredo, S. A., as buyer, as amended by letter dated October 10, 1934, to Compania de Gas de Nuevo Laredo, S. A. from United Gas Public Service Company (predecessor of Applicant); such authorization to terminate automatically upon the expiration of said contract, subject, however, to renewal of such authorization by the Commis-

sion upon a finding that a renewal is not inconsistent with the public interest.

(c) The Applicant has negotiated and executed a new gas sales contract with Compania de Gas de Nuevo Laredo, S. A. to replace and supersede its present contract.

(d) The Applicant proposes to replace that portion of its four-inch pipe line with a six-inch pipe line extending from a point at Lincoln and Vidaurri Streets in the City of Laredo, Texas, to the Texas Mexican Railway Company's railroad bridge and thence paralleling the present four-inch pipe line on and along said bridge to the International Boundary. It is claimed that such new facilities are necessary in order to provide for the delivery of increased quantities of gas to existing customers and proposed new customers of Compania de Gas de Nuevo Laredo, S. A. in Mexico.

The Commission orders that:

(A) A public hearing be held, commencing on September 1, 1944, at 10 a. m. (e. w. t.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) Interested State commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-12575; Filed, August 21, 1944;
9:33 a. m.]

[Docket Nos. G-473 and G-552]

SOUTHERN NATURAL GAS CO.

ORDER PERMITTING AMENDMENT AND SUPPLEMENTING ORDER FIXING DATE OF HEARING
AUGUST 18, 1944.

It appearing to the Commission that:

(a) On June 10, 1943, and April 7, 1944, respectively, Applicant filed an application and amendment thereto (Docket No. G-473) for a certificate of public convenience and necessity to authorize the construction and operation of certain facilities;

(b) On June 1, 1944, Applicant filed an application (Docket No. G-522) for a certificate of public convenience and necessity to authorize the construction and operation of certain facilities;

(c) By its order dated July 22, 1944, the Commission consolidated the above-docketed proceedings for the purpose of hearing and ordered that a public hearing be held commencing on August 22, 1944, at 10 a. m. (e. w. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(d) On August 12, 1944, Applicant filed an amendment to its application in Docket No. G-552 under section 7 of the Natural Gas Act, as amended, seeking authority to construct and operate the facilities hereinafter described in sub-

paragraphs (i) and (ii), and to abandon a natural-gas pipe line, hereinafter described in subparagraph (iii):

(i) A dehydration plant in the Monroe gas field near Applicant's Perryville (La.) compressor station;

(ii) Installation of a new water cooling system at the compressor station above referred to;

(iii) Abandonment of a 4½-inch O. D. gas pipe line approximately 2.2 miles in length known as Applicant's Pelham lateral.

The Commission finds that: Good cause exists for permitting the amendment to the application in Docket No. G-552 and for supplementing its order of July 22, 1944, to include a hearing on said amendment as hereinafter ordered.

Wherefore, the Commission orders that:

(A) Applicant is hereby granted leave to file the amendment referred to in paragraph (d) hereof to its application in Docket No. G-552.

(B) The Commission's order of July 22, 1944, be and it is hereby supplemented for the purpose of including a hearing respecting the matters involved and the issues presented by the amendment to the application in Docket No. G-552, referred to in paragraph (d) above, at the same time and place heretofore fixed for hearing in the above-docketed matters.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-12576; Filed, August 21, 1944;
9:33 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 451]

RECONSIGNMENT OF MELONS AND PEAS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, August 14, 1944, by H. Rothstein & Son of cars MDT 16663, melons, ART 20063, peas, now on the Pennsylvania Railroad, to Musante Berman & Steinberg, Bridgeport, Connecticut, via PRR-NYN&H.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12491; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 70-A, Special Permit 452]

RECONSIGNMENT OF WATERMELONS AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, August 9, 1944, by J. W. Strickland of car SP 74315, watermelons, on the Missouri Pacific Railroad, to Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12492; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 70-A, Special Permit 453]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 14, 1944, by Waco Foods Company of following cars, onions, now on the Chicago Produce Terminal, ART 18782 to New York, N. Y. via Erie, MDT 18644 to Wilkes-Barre, Pennsylvania, via Pa. Railroad.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice

of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12493; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 70-A, Special Permit 454]

RECONSIGNMENT OF PEACHES AT MILWAUKEE, WIS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Milwaukee, Wisconsin, August 14, 1944, by Morris Goldman Company of cars of peaches, MDT 18077 now on the C. & N. W. Railroad, and FGE 35476 now on the C. M. St. P. & P. Railroad, to Minneapolis, Minnesota.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12494; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 70-A, Special Permit 455]

RECONSIGNMENT OF APRICOTS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, August 15, 1944, by Lamb Fruit Company of car PFE 44265, apricots, now on the C. B. & Q. Railroad, to V. B. Hall Wholesale Company, Monett, Missouri (Frisco).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12495; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 70-A, Special Permit 456]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, not later than August 16, 1944, by Ray D. Wall, of car PFE 32434, onions, now on the C. M. St. P. & P. Railroad, to Detroit, Michigan (Mich. Cent.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12496; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 70-A, Special Permit 457]

RECONSIGNMENT OF PEACHES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Mis-

souri-Kansas, not later than August 16, 1944, by Western Fruit Growers, of cars MDT 17692 and PFE 40909, peaches, now on the Missouri Pacific Railroad to Charles Abbate Company, Chicago, Illinois (Mo. Pac-Santa Fe).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12497; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 70-A, Special Permit 458]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 16, 1944, by Flawaty Bergart Company, of car IC 50959, potatoes, now on the Wood St. Terminal (C&NW), to R. H. Oswald, Evansville, Indiana, via IC Railroad.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August, 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12498; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 178, Special Permit 129]

MOVEMENT OF DRIED SALTED CODFISH AT NEW ORLEANS, LA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of

Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the movement not later than August 21, 1944, of two refrigerator cars of dried salted coldfish from Pelican Cold Storage Company, on Southern Railway, at New Orleans to New Orleans Port of Embarkation on Public Belt for export, as ordered by A. Petito for the Panama Railroad.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12500; Filed, August 19, 1944;
11:09 a. m.]

[S. O. 200, Special Permit 157]

REICING OF POTATOES AT BIRMINGHAM, ALA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit, one time only, at Birmingham, Alabama (Central of Georgia), as ordered by Plowaty Bergart Company, car NP 94631, potatoes, moving August 12, 1944, from Chicago, Illinois, to Fred Plowaty, Miami, Florida, (I. C.-C. of Ga.-S. A. L.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August, 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12501; Filed, August 19, 1944;
11:10 a. m.]

[S. O. 200, Special Permit 163]

REICING OF POTATOES AT EVANSVILLE, IND.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit, one time only, as ordered by Plowaty Bergart Company, at Evansville, Indiana (O. & E. I. Railroad), car NRO 4537, potatoes, now moving from Sunnyside, Washington, to Miami, Florida.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12502; Filed, August 19, 1944;
11:10 a. m.]

[Rev. S. O. 224, Special Permit 1]

ICING OF PEACHES AT DESIGNATED POINTS IN COLORADO

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Service Order No. 224 of August 12, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 224 insofar as it applies to the first or initial icing at Grand Junction, Colorado, of refrigerator cars loaded with peaches at Clifton or Palisade, Colorado, and to the reicing at Denver or Pueblo, Colorado, of refrigerator cars loaded with peaches originating at Clifton or Palisade, Colorado.

This special permit shall become effective at 12:01 a. m., August 18, 1944, and shall apply only to cars billed on or after the effective date hereof; and shall expire at 12:01 a. m., September 18, 1944.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August, 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12493; Filed, August 19, 1944;
11:09 a. m.]

NATIONAL WAR LABOR BOARD.

CERTAIN MACHINE SHOPS IN OR NEAR SAN FRANCISCO, CALIF.

MODIFICATION IN TERMS AND CONDITIONS OF EMPLOYMENT

AUGUST 19, 1944.

By virtue of and pursuant to the authority vested in it by Executive Order 9017 of January 12, 1942, and the War Labor Disputes Act of June 25, 1943, and acting on the application of the Secretary of the Navy in accordance with section 5 of the War Labor Disputes Act of June 25, 1943, and paragraph (b) of Executive Order 9370 of August 16, 1943, the National War Labor Board hereby orders:

The terms and conditions of employment, existing at the plants and facilities of the companies named on the attached list, which were in effect on the dates the Secretary of the Navy took possession thereof,¹ are hereby changed in the following respects:

(1) All rights and privileges enjoyed by Lodge 68, International Association of Machinists, under the terms of employment existing at the plants and facilities of the companies above mentioned, at the times possession thereof was taken by the Secretary of the Navy are withdrawn (subject to any requirements of the National Labor Relations Act) as follows:

(a) The requirement of preferential hiring of members of Lodge 68 as previously defined in section (1) (a) of the expired collective bargaining agreement between Lodge 68 and the above mentioned companies is hereby withdrawn.

(b) The scheduling of the vacations as defined in section 4 of the expired collective bargaining agreement is hereby modified by granting to the Navy Department's officer in charge of the seized plants, authority to schedule vacations in such manner as will promote efficient operation of the said plants and facilities in the interests of the war effort.

(c) Any provision of the expired agreement which requires the consent of Lodge 68 to any action or its participation in any procedure is hereby withdrawn, subject to any requirement of the National Labor Relations Act.

(2) Nothing herein shall be construed as depriving the individual employees of the said plants and facilities of the benefits of the wages, hours and other working conditions in effect on the dates pos-

¹ See Executive Orders 9463, 9 F.R. 9379, and E.O. 9466, *supra*.

session of the said plants and facilities was taken by the Secretary of the Navy.

By unanimous order of the National War Labor Board.

GEORGE W. TAYLOR,
Acting Chairman.

Approved: August 19, 1944.

FRANKLIN D. ROOSEVELT,
The White House.

104 SAN FRANCISCO UP-TOWN, METAL TRADES SHOPS

John Albertoli Machine Co., 418 Beach Street.

Brunigs Machine Works, 523 Brannan Street.

Coen Co., 40 Boardman Place.
Cook Research Labs, L. H. Ltd., 950 Crane, Menlo Park.

Crane Co., 301 Brannan Street.
Forderer Cornice Works, 269 Potrero Avenue.

Goodrich Mfg. Co., 1834 McKinnon Avenue.
Int'l Totalizer Co., Inc., 716 S. Railroad Ave., San Mateo.

King Gun Sight Co., 171 2nd Street.
Thos. King Co., 69 Clementina Street.

Krenz, Oscar, 612 Bryant Street.
Lietz, The A. Co., 632 Commercial Street.
Marine Electric Co., 195 Fremont Street.

National Motor Bearing Co., Redwood City.
Pacific Coast Envelope Co., 400 2nd Street.
Pacific Elevator & Equipment Co., 45 Rausch Street.

Pacific Machine Shop, 360 11th Street.
Reichel, C. R. & Co., 718 Natoma Street.
Schmidt Lithograph Co., 2nd & Bryant Streets.

Staples & Pfeiffer Co., Inc., 528 Bryant Street.

Stone-Ryals Electric & Mfg Co., 470 Natoma Street.

J. A. Symon, Machine Works, 3648 18th Street.

Tubbs Cordage Co., 22nd & Iowa Streets.
Vincent Whitney Co., 130 10th Street.
Weule Co., Louis, 119 Steuart Street.

American Can Co. (Machine Shop) 499 Alabama Street, (Pacific Factory) 22nd & 3rd Streets, (United Factory) 19th & Treat Avenue.

American Laundry Machine Co., 1600 Bryant Street.

W. R. Ames Co., 150 Hooper Street.
Atlas Elevator Co., 417-6th Street.
Atlas Heating & Ventilating Co., 557-4th Street.

Chas. M. Bailey Co., 667 Folsom Street.
Bertsch Machine Works, 2440-3rd Street.
Bodinson Mfg. Co., 2401 Bayshore Boulevard.

Bowie Switch Co., 19th & Tennessee Streets.
E. D. Bullard Co., 351-8th Street.
C. F. Bulotti Machinery Co., 829 Folsom Street.

Busch Mfg. Co., 78 Natoma Street.
Butte Electric & Mfg. Co., 124 Russ Street.
California Packing Corporation, 101 California Street.

California Pellet Mill Co., 725 Tehama Street.

California Press Mfg. Co., 1800 Folsom Street.

California Screw Co., 74 Clementina Street.
Cherry-Burrell Corp., 777 Folsom Street.
Christie Machine Works, 201 Harrison Street.

Cochin Mfg. Co., South San Francisco.
Curle Mfg. Co., 500 Sansome Street.
Cyclops Iron Works, 837 Folsom Street.

Daimo Victor Co., 18th & York Streets.
Davis Machine Works, 400-7th Street.
Duart Manufacturing Co., 984 Folsom Street.

International Sales Company, 2045 Evans Avenue.

Metals Manufacturing Co., 2770 Folsom.

De Labal Pacific Company, 61 Beale Street.
Dorward Pump Company, 210 Mission Street.

Elite Machine Works, 227-7th Street.
Enterprise Engine and Foundry Company, 18th and Florida Streets.

Fairbanks Morse and Company, 630-3rd Street.

Federal Mogul Corporation, 250 14th Street.
Federal Mogul Service, 655 Turk Street.
General Tool, Die & Stamping Works, 1601 Howard Street.

Greenberg's, M., Sons, 765 Folsom Street.
Jenkins Machine Works, 18th Street & Treat Avenue.

Judson Pacific Company, 1200 17th Street.
Kehoe Display & Fixture Company, 541 Market Street.

King Sales & Engineering Company, 210 1st Street.

Kingwell Brothers, Ltd., 444 Natoma Street.
Kortick Mfg. Company, 335 1st Street.
Larkin Specialty Mfg. Company, 288 1st Street.

Link Belt Company, 400 Paul Avenue.
Mallier Searles, Inc., 300 7th Street.
Metal Products Fabricating Company, 119 Kansas Street.

Montague Pipe & Steel Company, 1999 3rd Street.

Mutual Engineering Company, South San Francisco.

National Welding Equipment, 223 Main Street.

Nagara Duplicator Company, 128 Main Street.

Northern Packing Company, Pier 92.
Orton Machine Company, 390 Fremont.

Pacific Can Company, Williams & Newhall Streets.

Pacific Electric Mfg. Company, 5815 3rd Street.

Pacific Foundry Company, 3100 19th Street.
Pacific Gear & Tool Works, 1035 Folsom Street.

Pacific Pumping Company, 960 Howard Street.

Pacific Screw Company, 566 Van Ness South.

Payne's Bolt Works, 201 Main Street.
Pelton Water Wheel Company, 2929-19th Street.

Price Pump Company, 1350 Folsom Street.
Ray Oil Burner Company, 401 Bernal Avenue.

S. F. Screw Products Company, 755 Brannan Street.

Shanzer, H. M., Company, 85 Bluxome Street.

Soule Steel Company, 1750 Army Street.

Superior Grinding & Motor Company, 865 Post Street.

Troy Laundry Machinery Company, 1201 Folsom Street.

Turner Machinery Company, 1855 Folsom Street.

Union Machine Company, 934 Brannan Street.

Victor Equipment Company, 844 Folsom Street.

Joseph Wagner Mfg. Company, 441 Folsom Street.

Weichart-Fairmont Company, 237 Natoma Street.

Wesix Electric Heater Company, 390-1st Street.

West Coast Laundry Machine Company, 3246-17th Street.

Western Crown Cork & Seal Corporation, 25th Street & Potrero Avenue.

Williams-Wallace Company, 160 Hooper Street.

H. C. Wood Machine Works, 514 Bryant Street.

Q. R. S. Neon Corporation, Ltd., 690 Potrero Avenue.

U. S. Pipe and Manufacturing Company, 249-1st Street.

[F. R. Doc. 44-12603; Filed, August 21, 1944; 12:01 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2173]

HYDRONAPHTHENE CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That all of the issued and outstanding capital stock of The Hydronaphthene Corporation, a corporation organized under the laws of Delaware and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 500 shares of common of no par value, is registered in the name of Lewis H. Marks and is beneficially owned by Deutsche Hydrierwerke Aktiengesellschaft and is evidence of ownership and control of said business enterprise;

2. That "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren has an interest in The Hydronaphthene Corporation, which interest is evidenced by agreements dated August 20, 1932 and May 10, 1939 made by and between "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren and The Hydronaphthene Corporation, which agreements pertain to patents and under which there is due and payable to "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren a sum in excess of \$450,000 and said interest is evidence of control of The Hydronaphthene Corporation;

3. That Deutsche Hydrierwerke Aktiengesellschaft whose principal place of business is Berlin, Germany is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

4. That "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren whose principal place of business is Zurich, Switzerland, is a corporation organized under the laws of Switzerland and is a national of a foreign country (Switzerland); is acting for the benefit of and on behalf of Deutsche Hydrierwerke Aktiengesellschaft and is a national of a foreign country (Germany);

and determining:

5. That The Hydronaphthene Corporation and "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren are controlled by Deutsche Hydrierwerke Aktiengesellschaft and are nationals of a designated enemy country (Germany);

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action, after appropriate consultation and certification, required by law and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian 500 shares (which constitute all of the outstanding shares) of the common capital stock of no par value of The Hydronaphthene Corporation and all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created

in "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren by virtue of an agreement dated August 20, 1932 (including all modifications thereof and supplements thereto, if any) by and between "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren and The Hydronapthene Corporation, which agreement relates to the assignment of certain patent licensing contracts, and all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren by virtue of an agreement dated May 10, 1939 (including all modifications thereof and supplements thereto, if any) by and between "Patchem" Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfindungsrechten auf chemische Verfahren and The Hydronapthene Corporation, which agreement relates, among other things, to the assignment of United States Patent No. 1,823,815, to be held, used, administered, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof, in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim. The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-12579; Filed, August 21, 1944; 11:18 a. m.]

[Vesting Order 2173]

AMERICAN HYALSOL CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That all of the issued and outstanding capital stock of American Hyalsol Corporation, a corporation organized under the laws of the State of Delaware and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 5,000 shares of common of no par value, is registered in the name of Lewis H. Marks and is beneficially owned by Deutsche Hydrierwerke A. G. and Bohme Fettchemie G. m. b. H. and is evidence of ownership and control of said business enterprise;

2. That Unichem Chemikalien Handelsgesellschaft A. G. has an interest in American Hyalsol Corporation, which interest is evidenced by an agreement dated June 17, 1932 made by and between American Hyalsol Corporation and Unichem Chemikalien Handelsgesellschaft A. G. which agreement pertains to patents and under which there is due and payable to Unichem Chemikalien Handelsgesellschaft A. G. a sum in excess of \$1,000,000 and said interest is evidence of control of American Hyalsol Corporation;

3. That Deutsche Hydrierwerke A. G. and Bohme Fettchemie G. m. b. H. whose principal places of business are Berlin and Chemnitz, Germany, respectively, are corporations organized under the laws of Germany and are nationals of a designated enemy country (Germany);

4. That Unichem Chemikalien Handelsgesellschaft A. G. whose principal place of business is Zurich, Switzerland, is a corporation organized under the laws of Switzerland and is a national of a foreign country (Switzerland);

and determining:

5. That American Hyalsol Corporation and Unichem Chemikalien Handelsgesellschaft A. G. are controlled by Deutsche Hydrierwerke A. G. and Bohme Fettchemie G. m. b. H. and are nationals of a designated enemy country (Germany);

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action, after appropriate consultation and certification, required by law and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the said 5000 shares of the common capital stock of no par value of American Hyalsol Corporation and all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Unichem Chemikalien Handelsgesellschaft A. G. by virtue of an agreement dated June 17, 1932 (including all modifications thereof and supplements thereto, if any) by and between the American Hyalsol Corporation and Unichem Chemikalien Handelsgesellschaft A. G., which agreement relates to the assignment of certain patents, including patent No. 1,840,349, and certain contracts relating to patents, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and

for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof, in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-12530; Filed, August 21, 1944; 11:18 a. m.]

[Vesting Order 3349]

ERNST KEMPTER AND JOHANNA FRIEDERIKE KEMPTER

In Re: Real property and property insurance policies owned by Ernst Kempter and Johanna Friederike Kempter.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of Ernst Kempter and Johanna Friederike Kempter are Ballingen, Bahnhofstrasse 40, Wurttemberg, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Ernst Kempter and Johanna Friederike Kempter are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and
b. All right, title and interest of Ernst Kempter and Johanna Friederike Kempter in and to the following property insurance poli-

icles, insuring the improvements on the premises described in subparagraph 3-a hereof;

(1) Fire insurance policy No. 77120 issued by the American Union Insurance Company of New York, Hartford, Connecticut,

(2) Fire insurance policy No. 811820 issued by the American Union Insurance Company of New York, Hartford, Connecticut,

(3) Fire insurance policy No. 77135 issued by the American Union Insurance Company of New York, Hartford, Connecticut,

(4) Perpetual fire insurance policy No. 128542 issued by the Fire Association of Philadelphia, Philadelphia, Pennsylvania;

(5) Perpetual fire insurance policy No. 8082 issued by the Fire Insurance Company of the County of Philadelphia, Philadelphia, Pennsylvania;

(6) Perpetual fire insurance policies Nos. 85374 and 51434 issued by the Fire Association of Philadelphia, Philadelphia, Pennsylvania; and

(7) General Owners' Landlords' and Tenants' Insurance Policy No. 52-076713 issued by the Maryland Casualty Company, Baltimore, Maryland,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a

hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 17, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All those tracts or parcels of land situated in the County of Philadelphia, State of Pennsylvania, particularly described as follows:

PARCEL 1

All that certain lot or piece of ground with the brick message or tenement thereon erected situate on the West side of Thirty-second street at the distance of One Hundred and eighty eight feet Northward from the North side of York Street in the Twenty eight Ward of the City of Philadelphia.

Containing in front or breadth on the said Thirty second Street, Fifteen feet six inches and extending of that width in length or depth Westward between parallel lines at right angles to the said Thirty second Street, Sixty two feet to a certain Three feet eight inches wide alley extending Northward from said York Street to Cumberland Street.

Together with the free and common use, right, liberty and privilege of the said alley as and for a passage way and water course at all times hereafter forever.

PARCEL 2

All that certain lot or piece of ground with the buildings and improvements thereon erected, described according to a Survey and Plan thereof made by Harold P. Mueller, Engineer of the City of Philadelphia, on the Thirteenth day of November, A. D. 1924, as follows, to wit: Situate on the Westwardly side of Fourth Street (fifty feet wide) at the distance of Three hundred Thirty-five feet nine inches Northwardly from Northerly side of Clarkson Avenue in the Forty-second Ward of the City of Philadelphia.

Containing in front or breadth on the said Fourth Street Fifteen feet eleven and one-half inches and extending of that width in length or depth Westwardly between lines parallel with Clarkson Avenue One hundred feet to the middle of a certain fifteen feet wide driveway which extends Northwardly and communicates with a certain other driveway nine feet eight inches wide which extends Westwardly into Lawrence Street.

Being a part of the same premises which Harold P. Mueller, et ux, by Indenture bearing date the Seventeenth day of April, A. D. 1925 and recorded in the Office for Recording of Deeds in and for the County of Philadelphia in Deed Book J. M. H. No. — page —, &c. granted and conveyed unto the said Warren B. Light, in fee. Under and subject to certain building restrictions.

Together with the free and common use, right, liberty and privilege of the aforesaid driveways in common with the owners, tenants and occupiers of the other lots of ground bounding thereon and having the use thereof. Subject, however, to the proportionate part of the expense of maintaining said driveway in good order and repair at all times hereafter, forever.

PARCEL 3

All that certain lot or piece of ground with the message or tenement thereon erected situate on the Southwestwardly side of Dauphin Street in the Thirty-first Ward of the City

of Philadelphia aforesaid commencing at the distance of One hundred and forty-two feet four and a half inches Northwestwardly from the Northwestwardly side of Moyer Street, containing in front or breadth on the said Dauphin Street Fourteen feet and extending in length or depth of that width Southwestwardly between lines parallel with said Moyer Street Forty-eight feet seven and three-eighths inches more or less, including a certain Two feet six inches wide alley which leads Southeastwardly and communicates with another Two feet six inches wide alley which leads Southwestwardly and communicates with a Three feet wide alley running Southeastwardly from Thompson Street to Moyer Street.

PARCEL 4

All that certain lot or piece of ground with the three story brick message or tenement thereon erected situate on the South side of Girard Avenue, at the distance of Sixty-five feet Westward from the West side of Eleventh Street in the Twentieth Ward of the City of Philadelphia. Containing in front or breadth on said Girard Avenue Fifteen feet three inches and extending in length or depth Southward of that width at right angles with said Girard Avenue Sixty feet to a certain Alley two feet eight inches and five eighths of an inch in width leading Eastward into said Eleventh Street. Bounded Northward by said Girard Avenue, Eastward by ground granted to John A. Quinn, Westward by ground now or late of Margaret and Henry E. Kurtz and Southward by said Alley.

Together with the free and common use and privilege of said alley, as and for a passage way and water course at all times hereafter forever.

PARCEL 5

All That Certain Message and lot or piece of ground situate on the Northwestwardly side of Mercer (formerly Wilson) Street, commencing at the distance of One hundred and Forty Two feet six inches North from the Northeastwardly side of Dauphin Street in the Thirty First late part of the Nineteenth Ward of the City of Philadelphia containing in front or breadth on said Mercer Street Thirteen Feet Six inches (including on the Southwestwardly side thereof the Northeasternmost moiety or half part of a certain Three feet wide Alley running from said Mercer Street Northwestwardly Sixty one feet six inches and communicating with a Four feet wide Alley with the right to build over the same leaving a headway of Eight feet in the clear laid out and opened for the accommodation of the owners tenants and occupiers of the premises bounding upon both of said Alleys) and extending in length or depth Northwestwardly between parallel lines at right angles with said Mercer Street Sixty one feet six inches to a Four feet wide Alley above mentioned and also all that certain Message and lot or piece of ground situate on the Northwestwardly side of the said Mercer (formerly Wilson) street commencing at the distance of One hundred and Fifty six feet Northeastwardly from the Northeastwardly side of said Dauphin Street in the Ward and City aforesaid containing in front or breadth on said Mercer Street Twelve feet and extending in length or depth Northwestwardly between parallel lines at right angles with said Mercer Street Sixty one feet six inches to the said above mentioned Four feet wide Alley [being the same premises which Zophar C. Howell, by indenture bearing date the 14th day of August A. D. 1890, and recorded at Philadelphia in Deed Book G. G. P. No. 688 page 207, &c., granted and conveyed unto the said Theodore L. Fest in fee] together with the free and common use and privilege of both the above mentioned Alleys at all times hereafter forever And also all that certain lot or piece of ground

with the Two story brick Messuage or Tenement thereon erected situate on the Northwesterly side of Mercer (formerly Wilson) Street at the distance of One hundred and sixty eight feet Northeastwardly from the Northeastwardly side of Dauphin Street in the Thirty first late part of the Nineteenth Ward of the City of Philadelphia aforesaid containing in front or breadth on the said Mercer Street Twelve feet ten inches and extending in length or depth Northwestwardly of that width between lines parallel with the said Dauphin Street Sixty one feet six inches to a four feet wide Alley which communicates with a Three feet wide Alley running Southeastwardly into said Mercer Street. Bounded Northeastwardly by ground of O'Neill, Northwestwardly by said four feet wide Alley, Southwestwardly by ground now or late of William A. West and Southeastwardly by Mercer Street aforesaid [Being the same premises which Augustus Nieweg and Anna R., his wife, by Indenture bearing date the 14th day of October A. D. 1890, and recorded at Philadelphia in Deed Book G. G. P. No. 670 page 463; &c., granted and conveyed unto the said Theodore L. Fest in fee] together with the free use right liberty and privilege of said Alleys at all times hereafter forever.

[F. R. Doc. 44-12582; Filed, August 21, 1944; 11:18 a. m.]

[Vesting Order 2342, Amdt.]

AUGUST BAUCH

In re: Real property, insurance policies and claim owned by August Bauch.

Vesting Order Number 2342, dated October 5, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That the last known address of August Bauch is 46 Widemayerstrasse, Munich 22, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That August Bauch is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Bronx County, New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Real property situated in Bronx County, New York, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title and interest of August Bauch in and to the following insurance policies:

(1) Fire insurance policy No. 352803, issued by the Aetna Insurance Company, insuring the premises described in subparagraph 3-a hereof;

(2) Fire insurance policy No. 3596790, issued by the Great American Insurance Company, insuring the premises described in subparagraph 3-b hereof;

(3) Public liability insurance policy No. OT252196, issued by the Fidelity & Casualty Company of New York, insuring against lia-

bility for personal injuries on or about the premises described in subparagraph 3-a hereof;

(4) Public liability insurance policy No. LO340443, issued by the Great American Insurance Company, insuring against liability for personal injuries on or about the premises described in subparagraph 3-b hereof;

(5) War damage policy No. 1-54-21841, issued by the War Damage Corporation through the Home Insurance Company, as fiduciary, insuring the premises described in subparagraph 3-a hereof; and

d. All right, title, interest and claim of any name or nature whatsoever of August Bauch in and to any and all obligations, contingent or otherwise and whether or not matured, owing to August Bauch, by Sterling St. John, as Executor of the Estate of Mary Miller Bauch, and represented on the books of Sterling St. John, as Executor aforesaid, as a credit balance due August Bauch, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany):

And determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraphs 3-a and 3-b hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, intending hereby to effect the merger of that certain mortgage particularly described in Exhibit C, attached hereto and by reference made a part hereof, into the fee of the real property particularly described in subparagraph 3-a hereof, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-c and 3-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order,

may within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1944.

[SEAL]

JAMES E. MAREHAM,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon, erected, situate, lying and being in the twenty-third Ward, Borough of Bronx of the City of New York in the County and State of New York in Section 10, Block 2638 on a land map of the City of New York bounded and described as follows:

Beginning at a point on the westerly side of Tinton Avenue distant 79.73 feet southerly from the corner formed by the intersection of the southerly side of 163rd Street as the same is laid out by the Commissioners of the Department of Public Parks of the City of New York, with the said westerly side of Tinton Avenue, and running thence westerly parallel with the southerly side of said 163rd Street and part of the distance through a party wall so far as the same extends 95 feet; thence southerly parallel to the said westerly side of Tinton Avenue 18.33 feet; thence easterly parallel to said southerly side of 163rd Street and part of the distance through a party wall so far as the same extends 95 feet, and to the said westerly side of Tinton Avenue, and thence northerly along the said westerly side of Tinton Avenue 18.33 feet to the point or place of beginning. Said premises being known as 923 Tinton Avenue.

EXHIBIT B

All that certain lot, piece or parcel of land situate, lying and being in the Borough of Bronx of the City of New York in the County of Bronx and State of New York, known and designated as part of Lot No. 120 on a map entitled "Map of part of the farm belonging to Benjamin Berrian, Esq., situated in the Village of Fordham, Town of West Farms, County of Westchester, State of New York" made by William Rodigue, C. E. dated November 23, 1852 and filed in the Office of the Clerk of said county February 17, 1854, and more particularly bounded and described as follows:

Beginning at a point on the westerly side of Marion Avenue as now laid out distant 414.03 feet northerly from the corner formed by the intersection of the westerly side of Marion Avenue with the northerly side of 194th Street, and running thence northerly along the westerly side of Marion Avenue 25 feet; thence westerly at right angles to Marion Avenue and along the southerly line of Lot No. 118 as laid down on the aforesaid map 189.69 feet to the land now or formerly of John Cromwell; thence southerly or northerly so and along the land now or formerly of John Cromwell 25.24 feet; and thence easterly and at right angles to Marion Avenue 177.16 feet to the point or place of beginning. Being the northerly one-half part of Lot No. 120 on the aforesaid map.

EXHIBIT C

That certain mortgage executed on January 3, 1907 by Fred H. Wefer, Emilie E. Wefer,

his wife, Anton Wik and Christina Wik, his wife, as mortgagors, in favor of Francis P. Ranney and Robert W. Todd, as Executors under the Last Will and Testament of Catherine H. Ranney, deceased, as mortgages, which mortgage was recorded in the Register's Office, County and State of New York, on January 5, 1907, in Liber 95, page 104, Section 10 of Mortgages, and which mortgage was thereafter assigned to Mary Miller, who by her marriage to August Bauch became Mary Miller Bauch, by mesne assignment dated June 10, 1912, and which mortgage subsequently became the property of August Bauch, and any and all obligations secured by said mortgage, including but not limited to any and all security rights in and to any collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations.

[F. R. Doc. 44-12581; Filed, August 21, 1944;
11:18 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

[Dir., Aug. 15, 1944]

INTERNATIONAL ASSN. OF MACHINISTS, A. F. OF L., LODGE No. 68

ORDER DIRECTING OFFICE OF PRICE ADMINISTRATION TO RESTRICT GASOLINE RATIONS

On April 20, 1944, the Tenth Regional War Labor Board issued an Interim Directive Order in Case No. 111-7566-D requiring Lodge No. 68 of the International Association of Machinists, A. F. of L., and its members who are employed in the 104 uptown shops in San Francisco, California, to withdraw the ban on overtime work imposed by their action of April 13, 1944. On May 2, 1944, the National War Labor Board similarly directed a withdrawal of the ban. On June 3, 1944, the National Board issued a further order imposing certain restrictions on Lodge No. 68 until it had complied with the order of the Regional War Labor Board.

The Chairman of the National War Labor Board has advised me that Lodge No. 68 and its members have failed and refused to comply with these orders of the Board, and that Lodge No. 68 has directed and advised its members not to work under the terms and conditions prescribed by the Board. In one plant, at least, there has been a total stoppage of work.

I am advised that every effort has been made to secure compliance, without success. The responsible national and international officers of the International Association of Machinists have failed to secure compliance with their Local Lodge, as clearly shown in their letter of June 25, 1944, addressed to the Under Secretary of War, the Assistant Secretary of the Navy, the Chairman of the U. S. Maritime Commission, and the Chairman of the War Production Board.

Finally, by Executive Order No. 9463, of August 12, the President has seized the affected uptown shops of the Pacific Gear and Tool Works, the Enterprise Engine and Foundry Company, the Link Belt

Company (Pacific Division), the Federal Mogul Corporation and the United States Pipe and Manufacturing Company, under the Constitution and laws of the United States including section 3 of the War Labor Disputes Act which amends section 9 of the Selective Training and Service Act of 1940.

Because of the nature of the non-compliance, in furtherance of the effective prosecution of the war which makes it imperative to prevent interference with production and to protect those workers who wish to work, and under the laws of the United States and the Executive orders of the President, I hereby direct the Office of Price Administration:

(a) To utilize all lawful processes to secure a return of outstanding supplemental gasoline rations issued on the basis of employment needs from all employees of the above-named companies who are certified to the appropriate regional OPA office by the Navy Department's Officer-in-Charge of the seized plants as having refused compliance with Executive Order No. 9463, the orders of the National War Labor Board, or the orders of such Officer-in-Charge;

(b) To refuse issuance of supplemental gasoline rations applied for on the basis of employment needs to these employees under the same conditions as stated in subparagraph (a) above.

FRED M. VINSON,
Director.

[F. R. Doc. 44-12478; Filed, August 18, 1944;
3:53 p. m.]

[Dir., Aug. 15, 1944; Amdt. 1]

INTERNATIONAL ASSN. OF MACHINISTS,
A. F. OF L., LODGE No. 68

ORDER DIRECTING OFFICE OF PRICE ADMINISTRATION TO RESTRICT GASOLINE RATIONS

AUGUST 18, 1944.

Pursuant to discussions between the Office of Price Administration and the Office of Economic Stabilization, I hereby clarify my letter of August 15, 1944, which directs the Office of Price Administration to take certain action in connection with the government's possession and operation of five plants under Executive Order No. 9463, by amending directive paragraphs (a) and (b) to read as follows:

(a) To utilize all lawful processes and take all necessary action to terminate and secure the surrender of all supplemental gasoline rations issued in whole or in part, for occupational mileage for travel to and from such plants in connection with employment at such plants to all employees of such companies who are certified to the appropriate Regional Office of the Office of Price Administration by the Navy Department's Officer-in-Charge of the seized plants as refusing compliance, at the time of such certification, with Executive Order No. 9463, the orders of the National War Labor Board, or the orders of such Officer-in-Charge;

(b) To refuse issuance of supplemental gasoline rations to any such em-

ployee for travel to and from any such plant in connection with employment at such plant except upon presentation to such Regional Office of a written statement signed by the Officer-in-Charge withdrawing such certification or stating that the applicant is then complying with such orders,

FRED M. VINSON,
Director.

[F. R. Doc. 44-12479; Filed, August 18, 1944;
3:53 p. m.]

[Dir. Aug. 15, 1944]

SURPLUS PEARS, 1944

SUBSIDY PAYMENTS

Correction

In the next to the last line of the first paragraph of Federal Register Document 44-12370, appearing on page 10057 of the issue Friday, August 18, 1944, "peas" should read "pears".

OFFICE OF PRICE ADMINISTRATION.

[Rev. Gen. Order 33, Amdt. 1]

RATIONING ADMINISTRATOR FOR PANAMA
CANAL ZONE

DELEGATION OF AUTHORITY TO ACT FOR THE
ADMINISTRATOR

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125 and by War Production Board Directive No. 1-L; It is hereby ordered:

Revised General Order 33 is amended by deleting the name "Glen E. Edgerton" wherever it appears therein, and by substituting therefor the name "J. C. Mehaffey".

This amendment shall become effective August 19, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12551; Filed, August 10, 1944;
11:44 a. m.]

[MPR 188, Order 2092]

SHUTTLECOCKS

AUTHORIZATION OF MAXIMUM PRICES

Order No. 2092 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and in accordance with section 9.3 of Revised Supplementary Regulation No. 14, it is ordered:

18 F.R. 4370.

(a) *Purpose of this order.* The purpose of this order is to establish maximum prices for all sales and deliveries of shuttlecocks after the effective date of this order.

(b) *What this order covers.* This order covers all sales and deliveries of shuttlecocks by any person to any other person.

(c) *Maximum prices for sales to exclusive distributors or private brand purchasers.* (1) The maximum prices for the sales by any manufacturer to an exclusive distributor or private brand purchaser of shuttlecocks are those set forth below. These maximum prices include the federal excise tax, and are subject to the discounts, allowances, transportation, packing and other price differentials customarily granted by the seller.

Shuttlecocks	Maximum price (per gross)
White goose middle wing feathers. Triple stitched or equivalent.....	\$37.56
White or gray goose; white duck or white turkey middle wing feathers. Triple stitched or equivalent.....	35.40
White goose, duck or turkey wing feathers, gray goose or white rooster middle wing feathers. Triple stitched or equivalent.....	31.92
White or gray goose, duck, turkey or chicken wing feathers. Triple stitched or equivalent.....	\$27.60
White or gray goose, duck, turkey or chicken wing feathers. Doubled stitched or equivalent.....	19.56

(2) For the purpose of this order:

(i) An exclusive distributor is a person who customarily purchases a manufacturer's entire output of shuttlecocks bearing the manufacturer's brand name.

(ii) A private brand purchaser is a person who customarily purchases a manufacturer's entire output of shuttlecocks bearing the purchaser's own brand name.

(d) *Maximum prices for sales to jobbers.* (1) The maximum prices for sales by any person to a jobber of shuttlecocks are those set forth below. These maximum prices include the federal excise tax and are subject to the discounts, allowances, transportation, packing and other price differentials customarily granted by the seller.

Shuttlecocks	Maximum price (per gross)
White goose middle wing feathers. Triple stitched or equivalent.....	\$48.96
White or gray goose; white duck or white turkey middle wing feathers. Triple stitched or equivalent.....	46.08
White goose, duck or turkey wing feathers, gray goose or white rooster middle wing feathers. Triple stitched or equivalent.....	41.64
White or gray goose, duck, turkey or chicken wing feathers. Triple stitched or equivalent.....	34.20
White or gray goose; duck, turkey or chicken wing feathers. Doubled stitched or equivalent.....	25.80

(2) For purposes of this order a jobber is any person other than an exclusive distributor or private brand purchaser, who buys shuttlecocks and resells them at wholesale.

(e) *Maximum prices for sales to persons other than exclusive distributors, private brand purchasers or jobbers.* The maximum prices for sales by any person to persons other than exclusive distributors, private brand purchasers, or jobbers, are the seller's properly established maximum prices, plus the dollar-and-cent amounts set forth below.

Shuttlecocks	Permissible addition to existing maximum prices	
	(sales of 1 dozen or more)	(sales of less than 1 dozen)
White goose middle wing feathers. Triple stitched or equivalent.....	23	3
White or gray goose; white duck or white turkey middle wing feathers. Triple stitched or equivalent.....	23	2
White goose, duck or turkey wing feathers, gray goose or white rooster middle wing feathers. Triple stitched or equivalent.....	23	2
White or gray goose, duck, turkey or chicken wing feathers. Triple stitched or equivalent.....	20	2
White or gray goose, duck, turkey or chicken wing feathers. Doubled stitched or equivalent.....	14	1

(f) At the time of or prior to the first invoice to each purchaser for resale of shuttlecocks covered by this order, the seller shall furnish such purchaser with a written notice setting forth the number and title of this order and fully explain-

ing its contents. This notice may be given in any convenient form.

(g) This order may be revoked or amended by the Price Administrator at any time.

This Order No. 2092 shall become effective on the 21st day of August, 1944.

Issued this 19th day of August, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12355; Filed, August 19, 1944; 11:44 a. m.]

[MPR 120, Order 916]

SOUTHERN INDIANA MINING CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Piko Mine of Southern Indiana Mining Corporation, Terre Haute, Indiana, is hereby assigned Mine Index No. 2001, and is classified in Maximum Price Groups No. 10 for rail shipments and No. 2 for truck shipments.

(b) Coals produced by Southern Indiana Mining Corporation, Terre Haute, Indiana, from the 5th seam, at its Piko Mine, Mine Index No. 2001 in District No. 11, may be purchased and sold at per net ton prices in cents per net ton not exceeding the following:

	Size Group Nos.															
	1, 2 and 3	4, 5, 6 and 8	7	9, 10, 11 and 12	13 and 14	15	16	17, 18, 19, 20, 21 and 22	23 and 24	25	26 and 27	28 and 29	30 and 31	32	33	34
Rail shipments.....	240	240	260	215	150	140	110	220	205	175	165	160	200	165	160	220
Truck shipments.....	300	335	225	215	225	160	130	260	240	185	210	180	215	155	150	220

Railroad locomotive fuel

Mine run, modified mine run, and all lump and double-screened coal..... 2.40
Screenings, top size not exceeding 2"..... 1.85
The above prices include the adjustments effected by Amendment No. 113 to Maximum Price Regulation No. 120.

(c) The prices established herein are f. o. b. the mine for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad locomotive fuel.

(d) All prayers of applicant not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This order shall become effective August 21, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 333, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681).

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12353; Filed, August 19, 1944; 11:41 a. m.]

[MPR 136, Order 279]

UTILITY TRAILER MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 279 Under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. Utility Trailer Manufacturing Co.; Docket No. SO-28-4966.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended, and section 16 of Maximum Price Regulation 452, *It is ordered:*

(a) The Utility Trailer Manufacturing Company, 1550 North Knowles Street, Los Angeles, California, is authorized to sell its trailers (full and semi) under

Maximum Price Regulation 136, as amended; and trailer parts under Maximum Price Regulation 452, at prices which will permit it to receive for such trailers and parts not more than 102% of the applicable maximum net prices duly in effect just prior to the issuance of this order. (The discounts, allowances and terms of delivery in effect on March 31, 1942, shall be maintained.)

(b) A reseller may sell each of the trailers described in paragraph (a) at a price which does not exceed the sum of the following (subject to the discounts, allowances and terms of delivery in effect on March 31, 1942):

(1) The reseller's maximum price duly in effect just prior to the issuance of this order; and

(2) The applicable dollars-and-cents amount of the increase granted to the Utility Trailer Manufacturing Company under paragraph (a); and

(3) The reseller's customary markup on such an increase.

(c) All requests not granted herein are denied.

(d) This order may be revoked or amended by the Administrator at any time.

This order shall become effective August 21, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12554; Filed, August 19, 1944;
11:42 a. m.]

[RMPR 436, Order 11]

CRUDE PETROLEUM

ADJUSTMENT OF MAXIMUM PRICES.

Order No. 11 under Revised Maximum Price Regulation No. 436. Crude petroleum, and natural and petroleum gas.

Order revising maximum price of crude petroleum from:

Noble South Pool, Richland County, Illinois.

Union Pool, Pike County, Indiana.

Lisbon (Pettit) Pool, Claiborne and Lincoln Counties, Louisiana.

Huron Pool, Wayne County, Michigan.

Marne Pool, Ottawa County, Michigan.

Mill Lake Pool, Van Buren County, Michigan.

North Buckeye Pool, Gladwin County, Michigan.

Elk Basin-Frontier Sand (Light Oil) Pool, Carbon County, Montana.

Bowden Pool, Creek County, Oklahoma.

Sour Lake Pool, Hardin County, Texas.

South Seven Sisters Pool, Duval County, Texas.

Elk Basin-Frontier Sand (Light Oil) Pool, Park County, Wyoming.

Salt Creek (1st Wall Creek) Pool, Natrona County, Wyoming.

Salt Creek (Morrison) Pool, Natrona County, Wyoming.

Salt Creek (Shale) Pool, Natrona County, Wyoming.

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436; *It is hereby ordered:*

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after August 1, 1944 and produced in any of the pools set out below to an applicant under the Stripper Well Compensatory Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below:

	Amount of increase (Dollars per 42- gallon barrel)
Illinois, Richland County, Noble South Pool.....	20
Indiana, Pike County, Union Pool.....	35
Louisiana, Claiborne and Lincoln Counties, Lisbon (Pettit) Pool.....	20
Michigan, Wayne County, Huron Pool.....	35
Michigan, Ottawa County, Marne Pool.....	35
Michigan, Van Buren County, Mill Lake Pool.....	35
Michigan, Gladwin County, North Buckeye Pool.....	25
Montana, Carbon County, Elk Basin-Frontier Sand (Light Oil) Pool.....	35
Oklahoma, Creek County, Bowden Pool.....	35
Texas, Hardin County, Sour Lake Pool.....	20
Texas, Duval County, South Seven Sisters Pool.....	35
Wyoming, Park County, Elk Basin-Frontier Sand (Light Oil) Pool.....	35
Wyoming, Natrona County, Salt Creek (1st Wall Creek) Pool.....	35
Wyoming, Natrona County, Salt Creek (Morrison) Pool.....	25
Wyoming, Natrona County, Salt Creek (Shale) Pool.....	35

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective as of August 1, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12553; Filed, August 19, 1944;
11:41 a. m.]

[MPR 154, Order 7]

EASTERN SHORE PUBLIC SERVICE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 7 under Maximum Price Regulation No. 154, as amended. Ice, Docket No. N6351-2154-2-4.

Adjustment of maximum prices for artificial ice manufactured and sold by the Eastern Shore Public Service Company, Salisbury, Maryland. For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, *It is ordered:*

(a) The Eastern Shore Public Service Company, Salisbury, Maryland, may sell ice for railroad car and truck icing purposes at the locations and at the prices not higher than those shown below, commencing with the 21st day of August,

1944 and continuing for such period of time as will enable applicant to recover \$8,320.82. These maximum prices represent maximum prices in effect prior to issuance of this order plus an amount of \$1.94 per ton which is the determined maximum additional amount of revenue per ton allowable under this order for recovery of excess importation cost on 1490 tons of ice imported for the period of June 1, 1944 to July 15, 1944.

GRANTED PRICES

Town	Selling price granted by this order, per ton
Exmore, Va.:	
Ice for fish.....	\$7.04
Top ice for vegetables.....	6.04
Tasley, Va.:	
Ice for fish and vegetables.....	7.44
Chincoteague, Va.:	
Ice for fish and vegetables and Navy use.....	7.04
Pocomoke, Md.:	
Ice for fish and vegetables.....	7.04
Deals Island, Md.:	
Ice for fish and vegetables.....	6.04
Crisfield, Md.:	
Ice for fish and vegetables.....	7.44
Leonardtown, Md.:	
Ice for both fish and U. S. Gov- ernment use.....	7.27½

(b) The applicant is ordered to make an accounting to the Washington office of the Office of Price Administration at thirty-day intervals, said time to commence with the effective date of this order and continuing as long as the order is in effect, which accounting shall show the total tonnage sales and amount of excess importation cost recovered. Upon recovery of excess importation cost in amount of \$8,320.82, maximum prices for ice at the locations and for the classifications herein shown will revert to maximum prices in effect prior to issuance of this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 7 shall become effective August 21, 1944.

Issued this 19th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12552; Filed August 19, 1944;
11:41 a. m.]

[MPR 120, Order 884]

BETHEL COAL CO., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Correction

In F. R. Doc. 44-11370, appearing at page 9313 of the issue for Tuesday, August 1, 1944, the figures under size group numbers 7, 9 and 11, opposite "Rail shipment, etc." for Davidson Coal Company, should read "345".

[MPR 120, Corr. to Order 878]

SOUTHERN COAL CORP., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 878 (9 F.R. 9379) dated July 31, 1944, readjusts the maximum prices

for a number of mines in District No. 7, the previous adjustments of which had been voided by Amendment No. 111 to Maximum Price Regulation No. 120. By inadvertence the maximum prices for the three mines with the Index Nos. 5, 337 and 338 in the column headed Mine Run for Locomotive Fuel Use under High Volatile Coals had been left blank. The price of \$3.20 should have been inserted for the mine run coals for locomotive fuel use for these three mines.

After due consideration of the foregoing and pursuant to § 1340.207.(a) of Maximum Price Regulation No. 120, It is Ordered:

(a) The figures \$3.20 are hereby inserted in the column headed "Mine Run" under High Volatile Coals for Locomotive Fuel Use for the mines with the Index Nos. 5, 337 and 338.

(b) This correction to Order No. 878 shall be effective as of July 31, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12600; Filed, August 21, 1944;
11:52 a. m.]

[MPR 183, Rev. Order 1829]

REST-WELL BED BOARD CO.

APPROVAL OF MAXIMUM PRICES

Revised Order No. 1829 under § 1499.-158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of "Bed Boards" manufactured by Rest-Well Bed Board Company.

Order No. 1829 under Maximum Price Regulation No. 188 is revised and amended to read as set forth herein:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; It is ordered:

(a) Revised Order No. 1829 establishes maximum prices for sales and deliveries of bed boards manufactured by Rest-Well Bed Board Company, 551 Fifth Avenue, New York 17, New York.

(b) For all sales and deliveries by the manufacturer to dealers and ultimate consumers, the maximum net prices are those set forth below:

Number	Model	Price to dealer (delivered)	Price to consumer (delivered)
1	24" x 60" (flat).....	\$2.40 (east of Mississippi).....	\$4.00 (east of Mississippi).....
	24" x 60" (flat).....	\$2.64 (west of Mississippi).....	\$4.40 (west of Mississippi).....
2	30" x 60" (flat).....	\$3.00 (east of Mississippi).....	\$5.00 (east of Mississippi).....
	30" x 60" (flat).....	\$3.30 (west of Mississippi).....	\$5.20 (west of Mississippi).....
3	36" x 60" (flat).....	\$3.45 (east of Mississippi).....	\$5.75 (east of Mississippi).....
	36" x 60" (flat).....	\$3.81 (west of Mississippi).....	\$6.35 (west of Mississippi).....
4	48" x 60" (hinged).....	\$5.97.....	\$9.95.....
5	30" x 60" (folding).....	\$4.77.....	\$7.95.....
6	36" x 60" (folding).....	\$5.25.....	\$8.75.....
7	22" x 44" (flat).....	\$1.71.....	\$2.85.....
11	30" x 63" (one elevation reclining).....	\$7.50.....	\$12.75.....
12	30" x 63" (adj. Comb. reclining).....	\$8.25.....	\$13.75.....
12	36" x 63".....	\$10.74.....	\$17.00.....
12	48" x 63".....	\$12.50.....	\$20.00.....
22	30" x 72" (4-piece hospital board).....	\$5.85.....	\$9.75.....
33	30" x 72" (imitation hospital).....	\$10.50.....	\$17.50.....

BACK RESTS

A—adjustable.....	\$4.05.....	\$6.75.....
B—wood grain finish.....	\$2.37.....	\$3.95.....
B—imitation leatherette finish.....	\$2.97.....	\$4.95.....

(c) For all sales and deliveries by any person other than the manufacturer to ultimate consumers, the maximum net prices are those set forth below:

Number	Model	Price to consumer (delivered)
1	24" x 60" (flat).....	\$4.00 (east of Mississippi).....
	24" x 60" (flat).....	\$4.40 (west of Mississippi).....
2	30" x 60" (flat).....	\$5.00 (east of Mississippi).....
	30" x 60" (flat).....	\$5.20 (west of Mississippi).....
3	36" x 60" (flat).....	\$5.75 (east of Mississippi).....
	36" x 60" (flat).....	\$6.35 (west of Mississippi).....
4	48" x 60" (hinged).....	\$9.95.....
5	30" x 60" (folding).....	\$7.95.....
6	36" x 60" (folding).....	\$8.75.....
7	22" x 44" (flat).....	\$2.85.....
11	30" x 63" (one elevation reclining).....	\$12.75.....
12	30" x 63" (adj. comb. reclining).....	\$13.75.....
12	36" x 63".....	\$17.00.....
12	48" x 63".....	\$20.00.....
22	30" x 72" (4-piece hospital board).....	\$9.75.....
33	30" x 72" (imitation hospital).....	\$17.50.....

BACK RESTS

A—adjustable.....	\$3.75.....
B—wood grain finish.....	\$3.95.....
B—imitation leatherette finish.....	\$4.95.....

(d) At the time of or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (b) above of this revised order for such resales. This notice may be given in any convenient form.

(e) This revised order No. 1829 may be revoked or amended by the Price Administrator at any time.

This revised order No. 1829 shall become effective on the 22d day of August 1944.

Issued this 21st day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12393; Filed, August 21, 1944;
11:52 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on August 15, 1944.

REGION I

Boston Order P-1, Amendment 1, covering fresh fish and seafood in certain areas in Massachusetts. Filed 10:01 a. m.

REGION II

Eric Order 13-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 9:47 a. m.

Newark Order 4-F, Amendment 14, covering fresh fruits and vegetables in designated counties in New Jersey. Filed 10:03 a. m.

REGION III

Columbus Order 3-F, Amendment 35, covering fresh fruits and vegetables in Columbus and Franklin County, Ohio. Filed 9:50 a. m.

Columbus Order 4-F, Amendment 13, covering fresh fruits and vegetables in designated counties in Ohio. Filed 9:49 a. m.

Columbus Order 5-F, Amendment 14, covering fresh fruits and vegetables in Belmont, Harrison, Jefferson, Monroe, Noble and Washington Counties. Filed 9:49 a. m.

REGION IV

Jacksonville Order 7-F, Amendment 15, covering fresh fruits and vegetables in named cities and towns of Florida. Filed 9:50 a. m.

REGION V

Arkansas Order 2-F, Amendment 21, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 9:47 a. m.

Arkansas Order 4-F, Amendment 21, covering fresh fruits and vegetables in certain areas in Arkansas. Filed 9:47 a. m.

Arkansas Order 5-F, Amendment 19, covering fresh fruits and vegetables in Garland Co., Ark. Filed 9:46 a. m.

Arkansas Order 6-F, Amendment 20, covering fresh fruits and vegetables in Sebastian and Crawford Counties, Arkansas. Filed 9:45 a. m.

REGION VI

Des Moines Order 1-F, Amendment 23, covering fresh fruits and vegetables in the Des Moines Area. Filed 9:53 a. m.

La Crosse Order 1-F, Amendment 23, covering fresh fruits and vegetables in La Crosse, Wis. and Winona, Minn. Filed 9:54 a. m.

La Crosse Order 3-F, Amendment 24, covering fresh fruits and vegetables in Eau Claire & Chippewa Falls, Wis. Filed 9:53 a. m.

La Crosse Order 4-F, Amendment 24, covering fresh fruits and vegetables in Sparta, Wis. Filed 9:54 a. m.

La Crosse Order 5-F, Amendment 24, covering fresh fruits and vegetables in Rochester, Minn. Filed 9:55 a. m.

Milwaukee Order 2-F, Amendment 27, covering fresh fruits and vegetables in Dane Co. Filed 9:45 a. m.

Milwaukee Order 3-F, Amendment 27, covering fresh fruits and vegetables in Milwaukee Co., City of Racine and City of Kenosha. Filed 10:01 a. m.

Milwaukee Order 5-F, Amendment 26, covering fresh fruits and vegetables in Sheboygan and Fond Du Lac Counties. Filed 9:25 a. m.

Omaha Order 7-F, Amendment 6, covering fresh fruits and vegetables in Omaha, Nebr. and Council Bluffs, Iowa. Filed 9:57 a. m.

Omaha Order 8-F, Amendment 6, covering fresh fruits and vegetables in Lincoln, Nebr. Filed 9:51 a. m.

REGION VII

Boise Order 1-F, covering fresh fruits and vegetables in Boise City, Idaho. Filed 9:52 a. m.

Boise Order 3-B covering retail fresh fruit and vegetable prices in various areas in the Boise, Idaho District. Filed 9:52 a. m.

Utah Order 3-W, covering wholesale community food prices in Salt Lake, Ogden & Provo Area. Filed 9:59 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-12549; Filed, August 19, 1944; 11:36 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on August 16, 1944.

REGION I

Providence Order 1-F, Amendment 12, covering fresh fruits and vegetables in the Providence, R. I., Metropolitan Area, filed 11:02 a. m.

Providence Order 2-F, Amendment 12, covering fresh fruits and vegetables in Rhode Island, except Metropolitan Area and New Shoreham, filed 11:03 a. m.

REGION II

Buffalo Order 1-F, Amendment 18, covering fresh fruits and vegetables in designated areas in New York, filed 10:41 a. m.

Camden Order 1-F, Amendment 17, covering fresh fruits and vegetables in Camden, Burlington, Gloucester, Salem and Cumberland, filed 10:40 a. m.

Camden Order 2-F, Amendment 16, covering fresh fruits and vegetables in Atlantic and Cape May Counties, N. J., filed 10:40 a. m.

Newark Order 4-F, Amendment 13, covering fresh fruits and vegetables in named areas in New Jersey, filed 11:04 a. m.

Pittsburgh Order 1-F, Amendment 18, covering fresh fruits and vegetables in Pittsburgh and certain surrounding communities, filed 10:48 a. m.

Syracuse Order 1-F, Amendment 18, covering fresh fruits and vegetables in certain designated areas in New York, filed 11:03 a. m.

REGION III

Cincinnati Order 1-F, Amendment 43, covering fresh fruits and vegetables in Hamilton Co., Ohio, filed 10:41 a. m.

Escanaba Order 9-F, Amendment 23, covering fresh fruits and vegetable prices in designated areas in Michigan, filed 10:31 a. m.

Escanaba Order 10-F, Amendment 23, covering fresh fruits and vegetable prices in designated areas in Michigan, filed 10:31 a. m.

Escanaba Order 11-F, Amendment 23, covering fresh fruits and vegetables in Escanaba and Gladstone, Delta Co., Mich., filed 10:31 a. m.

Escanaba Order 12-F, Amendment 22, covering fresh fruits and vegetables in designated areas in Michigan, filed 10:27 a. m.

Escanaba Order 13-F, Amendment 22, covering fresh fruits and vegetables in designated areas in Michigan, filed 10:27 a. m.

Escanaba Order 17-F, Amendment 21, covering fresh fruits and vegetables in certain areas in Michigan, filed 10:31 a. m.

Indianapolis Order 4-F, Amendment 24, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe, filed 10:20 a. m.

Indianapolis Order 6-F, Amendment 24, covering fresh fruits and vegetables in Indianapolis District, the County of St. Joseph, filed 10:20 a. m.

Indianapolis Order 7-F, Amendment 11, covering fresh fruits and vegetables in Vanderburgh, filed 10:20 a. m.

Indianapolis Order 8-F, Amendment 24, covering fresh fruits and vegetables in certain counties in the Indianapolis District, filed 10:21 a. m.

Indianapolis Order 9-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Ohio, filed 10:22 a. m.

Indianapolis Order 10-F, Amendment 24, covering fresh fruits and vegetables in certain counties in the Indianapolis District filed 10:22 a. m.

Detroit Order 10, Amendment 9, covering certain food items in designated counties, filed 10:44 a. m.

Lexington Order 1-F, Amendment 42, covering fresh fruits and vegetables in Fayette Co., Ky, filed 10:43 a. m.

Lexington Order 2-F, Amendment 36, covering fresh fruits and vegetables in Campbell and Kenton Counties, Ky., filed 10:42 a. m.

Lexington Order 3-F, Amendment 33, covering fresh fruits and vegetables in Boyd County, Ky., filed 10:42 a. m.

Louisville Order 1-F, Amendment 6, covering fresh fruits and vegetables in Jefferson Co., Ky., and Clark and Floyd Counties, Ind., filed 4:24 p. m.

REGION IV

Atlanta Order 1-F, Amendment 19, covering fresh fruits and vegetables in Bibb Co., Ga., filed 10:29 a. m.

Atlanta Order 5-F, Amendment 16, covering fresh fruits and vegetables in Russell Co., Phenix City, Ala., and Muscogee Co., Ga., filed 10:29 a. m.

Atlanta Order 6-F, Amendment 11, covering fresh fruits and vegetables in the Metropolitan Atlanta-Decatur Trade Area in Ga., filed 10:22 a. m.

Jacksonville Order 7-F, Amendment 14, covering fresh fruits and vegetables in certain cities and towns of Florida, filed 10:28 a. m.

Atlanta Order 13, Amendment 4, covering dry groceries in North Georgia District Area and Phenix City, Ala., filed 10:44 a. m.

Jackson Order 2-F, Amendment 23, covering fresh fruits and vegetables in designated counties in Mississippi, filed 10:23 a. m.

Jacksonville Order 6-F, Amendment 15, covering fresh fruits and vegetables in Jacksonville, Fla., filed 10:45 a. m.

Roanoke Order 2-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Roanoke District, filed 10:44 a. m.

Memphis Order 5-F, Amendment 8, covering fresh fruits and vegetables in the Memphis District Area, filed 10:32 a. m.

South Carolina Order 15, covering dry groceries and certain perishables in South Carolina, filed 10:27 a. m.

REGION V

Arkansas Order 1-C, covering retail poultry in Arkansas, filed 10:22 a. m.

Arkansas Order 1-E, covering retail prices for certain food items in Arkansas, filed 10:27 a. m.

Fort Worth Order 1-F, Amendment 29, covering fresh fruits and vegetables in Tarrant Co., filed 10:25 a. m.

Fort Worth Order 2-F, Amendment 29, covering fresh fruits and vegetables in Taylor Co., filed 10:24 a. m.

Fort Worth Order 3-F, Amendment 29, covering fresh fruits and vegetables in Green Co., filed 10:24 a. m.

Fort Worth Order 4-F, Amendment 29, covering fresh fruits and vegetables in McLennan Co., filed 10:23 a. m.

Fort Worth Order 5-F, Amendment 29, covering fresh fruits and vegetables in Wichita Co., filed 10:23 a. m.

Fort Worth Order 6-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Texas, filed 10:23 a. m.

REGION VI

Chicago Order 2-F, Amendment 26, covering fresh fruits and vegetables in named counties in Indiana, filed 10:51 a. m.

Sioux City Order 3-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Iowa, Nebraska and South Dakota, filed 4:23 p. m.

Sioux City Order 4-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Nebraska, filed 4:24 p. m.

Sioux Falls Order 1-F, (Rev.), Amendment 2, covering fresh fruits and vegetables in certain counties in South Dakota, filed 10:54 a. m.

Springfield Order 1-FS, Amendment 4, covering fresh fruits and vegetables in Springfield, Sangamon Co., Ill., filed 4:23 p. m.

Twin Cities Order G-8, covering certain cheese items in the Twin Cities District, filed 10:50 a. m.

REGION VII

New Mexico Order F-1, Amendment 31, covering fresh fruits and vegetables in Albuquerque, filed 4:23 p. m.

New Mexico Order F-2, Amendment 7, covering fresh fruits and vegetables in Santa Fe, filed 4:23 p. m.

New Mexico Order F-3, Amendment 7, covering fresh fruits and vegetables in City of Gallup, filed 4:22 p. m.

New Mexico Order F-4, Amendment 6, covering fresh fruits and vegetables in certain areas in New Mexico, filed 10:58 a. m.

New Mexico Order F-5, Amendment 4, covering fresh fruits and vegetables in Las Vegas, filed 4:23 p. m.

New Mexico Order F-6, Amendment 3, covering fresh fruits and vegetables in certain areas in New Mexico, filed 11:00 a. m.

Utah Order F-1, Amendment 11, covering fresh fruits and vegetables in the Salt Lake, Davis & Weber Co. Area, filed 11:00 a. m.

Utah Order F-2, Amendment 10, covering fresh fruits and vegetables in a certain named area in Utah, filed 11:01 a. m.

Utah Order F-3, Amendment 9, covering fresh fruits and vegetables in a certain named area in Utah, filed 11:01 a. m.

Utah Order F-4, Amendment 9, covering fresh fruits and vegetables in a certain named area in Utah, filed 11:02 a. m.

Utah Order F-5, Amendment 9, covering fresh fruits and vegetables in the Utah County Area, filed 11:02 a. m.

Utah Order F-6, Amendment 9, covering fresh fruits and vegetables in a certain area in Utah, filed 11:01 a. m.

REGION VIII

Los Angeles Order L. A.-5, Amendment 18, covering community food prices in the Los Angeles Metropolitan Area, filed 10:47 a. m.

Phoenix Order 1-F, Amendment 8, covering fresh fish and seafood in Arizona with exception of certain areas, filed 10:47 a. m.

Phoenix Order 3-F, Amendment 30, covering fresh fruits and vegetables in 25 mile radius of the post office of Phoenix, filed 10:32 a. m.

Phoenix Order 10, Amendment 4, covering community food prices in the Gila Valley Area, filed 10:32 a. m.

Portland Order 1-F, Amendment 29, covering fresh fruits and vegetables in the Portland District, filed 4:23 p. m.

Sacramento Order 1-F, Amendment 13, covering fresh fruits and vegetables in the Sacramento-Stockton Area, filed 10:49 a. m.

Sacramento Order 6-F, Amendment 11, covering fresh fruits and vegetables in the Sacramento District Central County Area, filed 10:48 a. m.

Sacramento Order 7-F, Amendment 11, covering fresh fruits and vegetables in the Sacramento District Northern County Area, filed 10:48 a. m.

San Francisco Order F-1, Amendment 28, covering fresh fruits and vegetables in certain areas in the San Francisco District, filed 4:20 p. m.

San Francisco Order F-2, Amendment 21, covering fresh fruits and vegetables in certain cities in the San Francisco District, filed 4:20 p. m.

San Francisco Order F-3, Amendment 20, covering fresh fruits and vegetables in certain cities in the San Francisco District, filed 4:20 p. m.

San Francisco Order F-4, Amendment 19, covering fresh fruits and vegetables in certain cities in the San Francisco District, filed 4:22 p. m.

San Francisco Order F-5, Amendment 18, covering fresh fruits and vegetables in certain cities in the San Francisco District, filed 4:22 p. m.

San Francisco Order F-6, Amendment 14, covering fresh fruits and vegetables in certain cities in the San Francisco District, filed 4:22 p. m.

Seattle Order 101, covering community food prices in the Tacoma Area, filed 4:22 p. m.

Seattle Order 102, covering community food prices in the Everett Area, filed 4:22 p. m.

Seattle Order 103, covering community food prices in the Bremerton Area, filed 4:22 p. m.

Seattle Order 104, covering community food prices in the Bellingham Area, filed 4:18 p. m.

Seattle Order 105, covering community food prices in the Olympia Area, filed 4:18 p. m.

Seattle Order 106, covering community food prices in the Aberdeen-Hoquiam Area, filed 4:18 p. m.

Seattle Order 107, covering community food prices in the Centralia-Chehalis Area, filed 4:18 p. m.

Seattle Order 108, covering community food prices in the Wenatchee Area, filed 4:18 p. m.

Seattle Order 109, covering community food prices in the Yakima Area, filed 4:18 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-12550; Filed, August 19, 1944;
11:36 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division
No. 167—11

of the Federal Register on August 17, 1944.

REGION I

Boston Order G-3, Amendment 4, covering community food prices in certain areas in the Boston Region, filed 2:57 p. m.

Boston Order 6-F, Amendment 9, covering fresh fruits and vegetables in designated areas in the Boston Region, filed 2:48 p. m.

REGION II

Albany Order 1-F, Amendment 20, covering fresh fruits and vegetables in named cities in the Albany district, filed 3:03 p. m.

Harrisburg District Order P-1, Amendment 4, covering fresh fish and seafood in named areas in Pennsylvania, filed 2:49 p. m.

Buffalo Order 2-F, Amendment 18, covering fresh fruits and vegetables in Rochester, E. Rochester, Fairport and Pittsford, filed 2:46 p. m.

New York Order 3-B, covering wholesale community food prices in Region II, filed 2:40 p. m.

REGION III

Charleston Order 3-F, Amendment 34, covering fresh fruits and vegetables in certain counties in West Virginia, filed 2:58 p. m.

Charleston Order 7-F, Amendment 20, covering fresh fruits and vegetables in certain areas in West Virginia, filed 2:59 p. m.

Charleston Order 8-F, Amendment 20, covering fresh fruits and vegetables in named counties in West Virginia, filed 2:59 p. m.

Charleston Order 9-F, Amendment 19, covering fresh fruits and vegetables in Cabell Co. and Huntington in Wayne Co., W. Va., filed 3:01 p. m.

Charleston Order 10-F, Amendment 19, covering fresh fruits and vegetables in named counties in West Virginia, filed 3:03 p. m.

Charleston Order 12-F, Amendment 10, covering fresh fruits and vegetables in certain areas in West Virginia, filed 3:02 p. m.

Charleston Order 13-F, Amendment 6, covering fresh fruits and vegetables in certain areas in West Virginia, filed 3:02 p. m.

Louisville Order 2-F, Amendment 6, covering fresh fruits and vegetables in McCracken Co., Ky., filed 2:39 p. m.

Louisville Order 3-F, Amendment 6, covering fresh fruits and vegetables in Davless and Henderson Counties, Ky., filed 2:39 p. m.

Indianapolis Order 4-F, Amendment 25, covering fresh fruits and vegetables in Marion, Vigo, and Tippecanoe, filed 2:49 p. m.

Indianapolis Order 5-F, Amendment 25, covering fresh fruits and vegetables in Wayne, Delaware, and Allen, filed 2:49 p. m.

Indianapolis Order 6-F, Amendment 25, covering fresh fruits and vegetables in St. Joseph Co., filed 2:50 p. m.

Indianapolis Order 7-F, Amendment 12, covering fresh fruits and vegetables in Vanderburgh Co., filed 2:51 p. m.

Indianapolis Order 8-F, Amendment 25, covering fresh fruits and vegetables in certain counties in the Indianapolis District, filed 2:51 p. m.

Indianapolis Order 9-F, Amendment 25, covering fresh fruits and vegetables in certain counties in the Indianapolis District, filed 2:52 p. m.

Indianapolis Order 10-F, Amendment 25, covering fresh fruits and vegetables in certain counties in the Indianapolis District, filed 2:53 p. m.

Indianapolis Order 11-F, Amendment 25, covering fresh fruits and vegetables in certain counties in the Indianapolis District, filed 2:54 p. m.

Indianapolis Order 12-F, Amendment 10, covering fresh fruits and vegetables in certain counties in the Indianapolis District, filed 2:55 p. m.

REGION IV

Atlanta Order 13, Amendment 5, covering dry groceries in North Ga. District Area and Phenix City, Ala., filed 2:55 p. m.

Birmingham Order 1-F, Amendment 13, covering fresh fruits and vegetables in Jefferson Co., Ala., filed 3:10 p. m.

Birmingham Order 2-F, Amendment 7, covering fresh fruits and vegetables in specified counties in the Birmingham District, filed 2:46 p. m.

Jacksonville Order 3-F, Amendment 14, covering fresh fruits and vegetables in Tampa, Florida, filed 3:04 p. m.

Columbia Order 1-F, Amendment 15, covering fresh fruits and vegetables in the 7-mile radius of the State House, Columbia, S. C., filed 2:42 p. m.

Columbia Order 2-F, Amendment 15, covering fresh fruits and vegetables in a certain area in South Carolina, filed 2:41 p. m.

Columbia Order 3-F, Amendment 19, covering fresh fruits and vegetables in a certain area in South Carolina, filed 2:41 p. m.

Columbia Order 4-F, Amendment 8, covering fresh fruits and vegetables in South Carolina except certain areas, filed 2:40 p. m.

REGION V

Dallas Order 1-F, Amendment 27, covering fresh fruits and vegetables in certain areas in the Dallas District, filed 3:03 p. m.

Dallas Order 3-F, Amendment 20, covering fresh fruits and vegetables in certain areas in the Dallas District, filed 3:03 p. m.

Dallas Order 3-W, covering dry groceries at wholesale in certain counties in Texas, filed 2:59 p. m.

Fort Worth Order 1-F, Amendment 30, covering fresh fruits and vegetables in Tarrant County, filed 3:05 p. m.

Fort Worth Order 2-F, Amendment 30, covering fresh fruits and vegetables in Taylor Co., Tex., filed 3:04 p. m.

Fort Worth Order 3-F, Amendment 30, covering fresh fruits and vegetables in Green Co., Tex., filed 3:05 p. m.

Fort Worth Order 4-F, Amendment 30, covering fresh fruits and vegetables in McLennan Co., Tex., filed 3:06 p. m.

Fort Worth Order 5-F, Amendment 30, covering fresh fruits and vegetables in Wichita Co., Tex., filed 3:02 p. m.

Kansas City Order 1-F, Amendment 8, covering fresh fruits and vegetables in certain areas in the Kansas City District, filed 2:33 p. m.

REGION VI

Twin Cities Order 2-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Minnesota and Wisconsin, filed 2:44 p. m.

REGION VII

New Mexico Order F-4, Amendment 7, covering fresh fruits and vegetables in certain areas in New Mexico, filed 3:10 p. m.

New Mexico Order F-6, Amendment 4, covering fresh fruits and vegetables in certain areas in New Mexico, filed 3:03 p. m.

REGION VIII

Spokane Order 4-F, Amendment 3, covering fresh fruits and vegetables in certain areas of Latah Co., Idaho, and Whitman Co., Wash., filed 2:44 p. m.

Spokane Order 6-F, Amendment 5, covering fresh fruits and vegetables in certain areas of Columbia and Walla Walla Counties, Wash., filed 2:43 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-12531; Filed, August 19, 1944;
4:15 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on August 18, 1944.

REGION II

New York Order 1-F, Amendment 19, covering fresh fruits and vegetables in New York City and all 5 boroughs, filed 9:30 a. m.

New York Basic Order 1-B, covering retail community food prices in Region II, filed 9:31 a. m.

New York Order 3-F, Amendment 6, covering fresh fruits and vegetables in certain cities in New York, filed 9:31 a. m.

New York Order 7-F, covering fresh fruits and vegetables in Dutchess and Orange Counties, N. Y., filed 9:30 a. m.

New York Order 8-F, covering fresh fruits and vegetables in Putnam, Rockland, and Suffolk Counties, N. Y., filed 9:30 a. m.

Wilmington Order 2-F, Amendment 17, covering fresh fruits and vegetables in certain areas in Delaware, filed 9:30 a. m.

REGION III

Escanaba Order 9-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Michigan, filed 9:31 a. m.

Escanaba Order 10-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Michigan, filed 9:31 a. m.

Escanaba Order 11-F, Amendment 24, covering fresh fruits and vegetables in Escanaba, & Gladstone, Delta Co., Mich., filed 9:31 a. m.

Escanaba Order 12-F, Amendment 23, covering fresh fruits and vegetables in certain areas in the Escanaba District, filed 9:31 a. m.

Escanaba Order 13-F, Amendment 23, covering fresh fruits and vegetables in named areas in Michigan, filed 9:31 a. m.

Escanaba Order 14-F, Amendment 23, covering fresh fruits and vegetables in named areas in Michigan and Wisconsin, filed 9:32 a. m.

Escanaba Order 15-F, Amendment 23, covering fresh fruits and vegetables in named areas in Michigan and Wisconsin, filed 9:32 a. m.

Escanaba Order 16-F, Amendment 23, covering fresh fruits and vegetables in Saulte Ste. Marie, Chippewa Co., Mich., filed 9:32 a. m.

Escanaba Order 17-F, Amendment 22, covering fresh fruits and vegetables in named areas in Michigan, filed 9:32 a. m.

REGION IV

Memphis Order 4-F, Amendment 46, covering fresh fruits and vegetables in the Memphis District, filed 9:32 a. m.

REGION VII

Wyoming Order 4-F, Amendment 6, covering fresh fruits and vegetables in the Sheridan Area, filed 9:40 a. m.

Montana Order 5-F, Amendment 3, covering fresh fruits and vegetables in the Helena Area, filed 9:40 a. m.

Montana Order 6-F, Amendment 3, covering fresh fruits and vegetables in the Great Falls Area, filed 9:41 a. m.

Montana Order 7-F, Amendment 3, covering fresh fruits and vegetables in the Butte Area, filed 9:41 a. m.

Montana Order 8-F, Amendment 3, covering fresh fruits and vegetables in the Billings Area, filed 9:41 a. m.

Montana Order 9-F, Amendment 3, covering fresh fruits and vegetables in the Miles City Area, filed 9:42 a. m.

Montana Order 10-F, Amendment 3, covering fresh fruits and vegetables in the Bozeman Area, filed 9:42 a. m.

Montana Order 11-F, Amendment 3, covering fresh fruits and vegetables in the Missoula Area, filed 9:42 a. m.

Montana Order 12-F, Amendment 3, covering fresh fruits and vegetables in the Kalispell Area, filed 9:42 a. m.

Montana Order 13-F, Amendment 3, covering fresh fruits and vegetables in the Anaconda Area, filed 9:43 a. m.

Montana Order 14-F, Amendment 3, covering fresh fruits and vegetables in the Wolf Point and Malta Areas, filed 9:43 a. m.

Montana Order 15-F, Amendment 3, covering fresh fruits and vegetables in the Glasgow Area, filed 9:43 a. m.

Montana Order 16-F, Amendment 3, covering fresh fruits and vegetables in the Havre and Chinook Areas, filed 9:43 a. m.

Montana Order 17-F, Amendment 3, covering fresh fruits and vegetables in certain designated areas, filed 9:44 a. m.

Montana Order 18-F, Amendment 3, covering fresh fruits and vegetables in the Hamilton Area, filed 9:44 a. m.

Montana Order 19-F, Amendment 3, covering fresh fruits and vegetables in the Villon area, filed 9:44 a. m.

Montana Order 20-F, Amendment 3, covering fresh fruits and vegetables in the Lewistown Area, filed 9:45 a. m.

Montana Order 21-F, Amendment 3, covering fresh fruits and vegetables in the Roundup and Klein Area, filed 9:45 a. m.

Montana Order 22-F, Amendment 3, covering fresh fruits and vegetables in the Columbus, Laurel and Park City Area, filed 9:45 a. m.

Montana Order 24-F, Amendment 4, covering fresh fruits and vegetables in the Livingston Area, filed 9:46 a. m.

Montana Order 25-F, Amendment 3, covering fresh fruits and vegetables in the Glendive Area, filed 9:46 a. m.

Montana Order 26-F, Amendment 3, covering fresh fruits and vegetables in the Sidney Area, filed 9:46 a. m.

Montana Order 27-F, Amendment 3, covering fresh fruits and vegetables in the Hardin Area, filed 9:47 a. m.

Montana Order 28-F, Amendment 3, covering fresh fruits and vegetables in the Red Lodge Area, filed 9:47 a. m.

Montana Order 29-F, Amendment 3, covering fresh fruits and vegetables in the Deer Lodge Area, filed 9:47 a. m.

Montana Order 30-F, Amendment 3, covering fresh fruits and vegetables in the Baker Area, filed 9:47 a. m.

REGION VIII

Nevada Order 1-F, Amendment 17, covering fresh fruits and vegetables in Reno and Sparks Area, filed 9:48 a. m.

Nevada Order 2-F, Amendment 7, covering fresh fruits and vegetables in certain named areas in the Nevada District, filed 9:48 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-12562; Filed, August 19, 1944;
4:15 p. m.]

[Region II Order G-48 Under RMPR 122]

SOLID FUELS IN DESIGNATED AREAS IN PENNSYLVANIA

Order No. G-48 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Adjustment in maximum prices for coke delivered in Philadelphia County, Delaware County and Designated Townships and Boroughs in Bucks and Montgomery Counties; Commonwealth of Pennsylvania, Coal Area 1.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered:*

(a) Any dealer making sales of coke, delivered to or at any point in the area subject to this order, as specified in paragraph (e) hereof, may, to the extent that he does not determine his maximum prices under Revised Order No. G-28, "Emergency Sales of Coke", or any subsequent revision thereof, and to the extent that he calculates his maximum prices under Revised Maximum Price Regulation No. 122, increase the maximum prices so calculated as follows:

1. For "Direct-delivery" sales of coke, dealers may add 10¢ per net ton.

(b) The increases authorized herein shall not apply to any sales of coke for which maximum prices are determined under the emergency pricing rules contained in Revised Order No. G-28, "Emergency Sales of Coke", or any subsequent revisions thereof: *Provided*, That, if a maximum price is determined pursuant to a pricing rule embodied in § 1340.254 of Revised Maximum Price Regulation No. 122, specifically incorporated by reference in said Revised Order No. G-28, dealers may add the increases set forth in paragraph (a) hereof to such maximum prices.

(c) Dealers making sales subject to this order shall not change their customary allowances, discounts, or other price differentials unless such change results in prices lower than the prices permitted by this order (after applying the customary discounts, allowances, or other price differentials).

(d) *Reports.* Every dealer making sales subject to this order shall, within ten days after he determines or redetermines his maximum prices hereunder, report to the Philadelphia District Office of the Office of Price Administration the maximum prices so determined.

(e) *Area covered.* Commonwealth of Pennsylvania—Coal Area 1, includes the following portions of the Commonwealth of Pennsylvania: Philadelphia County; Delaware County; the Townships of Upper Southampton, Lower Southampton, Northampton, Warminster, Warwick, and the Borough of Ivyland, in Bucks County; and the Townships of Lower Moreland, Upper Moreland, Abington, Cheltenham, Horsham, Upper Dublin, Lower Gwynedd, Whitplains, White-mash, Springfield, Lower Merion, and the Boroughs of Bryn Athyn, Hatboro, Rockledge, Jenkintown, Ambler and Narberth, in Montgomery County.

(f) *Definitions.* When used in this Order No. G-48 the term:

1. "Direct delivery" means delivery to the buyer's bin or storage space.

2. Unless the context otherwise requires, the definitions set forth in

§§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to all other terms used herein.

(g) The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

NOTE: The record-keeping and reporting requirements of this Order No. G-48, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-48 shall become effective August 15, 1944.
(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of August, 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-12571; Filed August 19, 1944;
4:19 p. m.]

[Camden Order G-2 Under MPR 165]

DANIEL E. REARDON'S LAUNDRY, INC., ET AL.
ADJUSTMENT OF MAXIMUM PRICES

Order No. G-2 under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended. Services adjustment of laundry service prices in Atlantic County Area.

Applications for permission to increase their present maximum prices for all their laundry, linen supply, dry cleaning, and related services, as established under Maximum Price Regulation No. 165, as amended—Services, have been filed with the Camden District Office of the Office of Price Administration by a majority of the power laundry establishments which supply such services in the Atlantic County area. After due consideration of these applications and other available information, it has been decided that some should be granted in part and denied in part, and others granted in full, for the reasons set forth in the opinion hereto attached.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.114 (d) of Maximum Price Regulation No. 165, as Amended, Services, it is hereby ordered:

(a) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 4% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services in the manner hereinafter in paragraph (i) provided:

Daniel E. Reardon's Laundry, Inc., Atlantic City, N. J.

(b) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 6% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services in the manner hereinafter in paragraph (i) provided:

Steelman's Laundry Co., Atlantic City, N. J.

(c) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 8% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services, in the manner hereinafter in paragraph (i) provided:

Risley's Laundry Company, Inc., Pleasantville, N. J.

(d) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 11% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services, in the manner hereinafter in paragraph (i) provided:

Ohlsen Laundry Company, Atlantic City, N. J.

(e) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 12% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services, in the manner hereinafter in paragraph (i) provided:

Hansell Laundry, Inc., Atlantic City, N. J.

(f) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 17% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services, in the manner hereinafter in paragraph (i) provided:

R-way Laundry, Inc., Pleasantville, N. J.

(g) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 17% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services, in the manner hereinafter in paragraph (i) provided:

Peerless Scientific Laundry Co., Inc., Pleasantville, N. J.

(h) Any power laundry establishment named in this order is permitted to add to its present legal maximum prices to agent drivers and retail hand laundry establishments supplied by it the percentage price increase herein granted to it. Agent drivers, agent stores and retail hand laundry establishment any of whose laundry services are supplied by any such power laundry are permitted the increase herein granted to their supplier in the manner provided by paragraph (i) of this order. They shall be subject to all the other provisions of this order which are applicable to their circumstances.

(i) The percentage increases permitted to any laundry service supplier named or referred to in this order shall be applied only to the total amount of the bill rendered to each customer for any service afforded (as it would be

computed under existing lawful maximum prices). The existing legal maximum prices of any such supplier are its maximum prices as established under Maximum Price Regulation No. 165, as amended, as such maximum prices shall have been modified by any order heretofore issued by the New York Regional Office of the Office of Price Administration, under § 1499.114 (d) of that regulation. Such increases may not be applied to individual items of service. Existing price lists shall not be altered. If the increased prices as arrived at include a fraction of a cent less than one-half, the price that may be charged shall be reduced to the next lower cent. If, however, the increased price includes a fraction equal to or more than one-half cent, the seller shall be permitted to charge the next higher cent.

(j) Any power laundry establishment, agent driver, agent store or retail hand laundry establishment to which a percentage price increase has been granted under the terms of this order shall give written notification of such price increase as follows:

1. Furnish each of its customers within fifteen days after the effective date of this order with a statement clearly describing its services, specifying its lawful maximum prices as established under Maximum Price Regulation No. 165, as amended, and setting forth both the percentage increase granted it by this order and any percentage increase heretofore granted to it by any other order of this office.

2. File two copies of the same statement with the Camden District Office within fifteen days after the effective date of this order, together with a statement signed by a responsible official of such laundry service supplier certifying that it has complied with subparagraph 1. above.

3. Inscribe on each bill rendered to each customer the statement: "OPA permitted increase of _____% to maintain supply: \$_____", with the option of specifying in such statement the percentage increase granted them by this order.

4. Give all new customers the same notification as provided for all existing customers.

(k) In addition, all power laundries to whom a price increase is permitted by this order shall immediately advise their agent drivers, agent stores and retail hand laundry customers of the amount of permitted price increase which the latter may add to their total bills under the provisions of paragraph (i) of the order, and of the manner in which such permitted increase shall be computed.

(l) Customary allowances, discounts, or other price differentials may not be changed by any of the laundry service suppliers named or otherwise referred to in this order, unless such change results in prices lower than the prices permitted by this order, after applying the supplier's customary allowances, discounts, or other price differentials; and all laundry service suppliers named or otherwise referred to herein shall main-

tain all of their legal current pricing and other business practices.

(m) All of the power laundry establishments named herein shall keep this order and attached opinion in their establishments, together with the statement required by § 1499.108, and make them available for inspection by any person during business hours.

(n) Except as expressly provided by this order, all of the laundry establishments named or otherwise referred to in this order shall remain in all respects subject to all of the provisions of Maximum Price Regulation No. 165, as Amended—Services.

(o) This order may be revoked or amended by the District Director, the Regional Administrator of Region II, or the Price Administrator through the issuance at any time hereafter of any order or price regulation, or amendment or supplement thereto.

(p) Any relief requested by any applicant not expressly granted herein is denied. To the extent that the application of any laundry establishment herein named has been denied in whole or in part, such applicant may, within fifteen (15) days after the date on which this order was issued, request the Regional Administrator of Region II to review such order of denial in the manner provided by Revised Procedural Regulation No. 1. (56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

This order shall become effective June 26th, 1944.

Issued June 21, 1944.

T. HAROLD DEMPSEY,
Acting District Director.

[F. R. Doc. 44-12568; Filed, August 19, 1944;
4:19 p. m.]

[Camden Order G-2 Under MPR 165, Amdt. 1]

**RISLEY LAUNDRY CO. AND ABERDEEN
LAUNDRY**

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. G-2 under § 1499.114 (d) of maximum price regulation No. 165, as amended. Services adjustment of Laundry service prices in Atlanta County Area.

For the reason set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.114 (d) of Maximum Price Regulation No. 165, as Amended—Services, and by the Emergency Price Control Act of 1942, as Amended, *It is hereby ordered*, That paragraph (c) of Camden District Office Order No. G-2, under § 1499.114 (d), be amended to read as follows:

(c) The application of the following named power laundry establishments is granted to the extent that they are permitted to increase by 8% their present legal maximum price for all their laundry, linen supply, dry cleaning and related services, including commercial services in the manner hereinafter in paragraph (i) provided:

Risley's Laundry Company, Inc., Pleasantville, N. J.

Aberdeen Laundry, Atlantic City, N. J.

This amendment shall become effective June 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued June 22, 1944.

T. HAROLD DEMPSEY,
Acting District Director.

[F. R. Doc. 44-12569; Filed, August 19, 1944;
4:20 p. m.]

[Camden Order G-2 Under MPR 165, Amdt. 2]
STEELMAN'S LAUNDRY CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2 to Order No. G-2 under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended. Services adjustment of laundry service prices in Atlantic County Area.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.114 (d) of Maximum Price Regulation No. 165, as Amended—Services, and by the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That paragraph (b) of Camden District Office Order No. G-2, under § 1499.114 (d), be amended to read as follows:

(b) The application of the following named power laundry establishment is granted to the extent that it is permitted to increase by 16% its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services in the manner hereinafter in paragraph (i) provided:

Steelman's Laundry Co., Atlantic City, N. J.

This amendment shall become effective July 24, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued July 22, 1944.

T. HAROLD DEMPSEY,
District Director.

[F. R. Doc. 44-12570; Filed, August 19, 1944;
4:20 p. m.]

[Birmingham Order G-1 Under Gen. Order 50]

**MALT AND CEREAL BEVERAGES IN JEFFERSON
COUNTY, ALA.**

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, Revised General Order No. 50 and Region IV Revised Delegation Order No. 17, and for the reasons set forth in the accompanying opinion, this order is issued.

SECTION 1. Purpose of order. It is the purpose of this order to establish specific maximum prices for malt and cereal

beverages including those commonly known as ale, beer and near-beer, either in containers or on draught when sold or offered for sale at retail by any eating, or drinking establishment, either for consumption on the premises or when carried away.

SEC. 2. Geographical applicability. The provisions of this order extend to all eating and drinking places or establishments located within the limits of Jefferson County, Alabama.

SEC. 3. Ceiling prices. (a) On and after July 29, 1944, if you operate an eating or drinking establishment, you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed in Appendix A hereof. You may, of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed in Appendix A hereof, and if you believe that the maximum price specified under the applicable heading "all other brands" is not appropriate to such beverage you may make application to the Birmingham, Alabama, District Office of the Office of Price Administration requesting that such beverage be specifically included in Appendix A hereof. With or without such application the Birmingham, Alabama, District Office of the Office of Price Administration may, at any time and from time to time, add new or unlisted beverages, brands, types or sizes, together with maximum prices for same to the lists set forth in Appendix A hereof.

(c) You may not add any taxes to your ceiling prices set forth in Appendix A hereof except those specifically provided therein, as all other taxes were taken into consideration in establishing the ceiling prices for each group, as set forth in Appendix A.

SEC. 4. How to figure your ceiling prices. (a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices on 12-ounce bottles in effect during the base period of April 4-10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for 12-ounce bottles for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages (in 12-ounce bottles) subject to this order in effect during the base period of April 4-10, 1943. If your legal ceiling prices for various brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in one particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made during the three months' period immediately preceding the date of issuance of this order. This classification is subject to approval, denial and determination by the Birmingham District Office of Office of Price Ad-

ministration. You must figure the group to which you belong as follows:

(1) *Group 1B.* Your establishment belongs to Group 1B, if during the base period of April 4-10, 1943, inclusive, your legally established ceiling prices for beverages subject to this order and sold in 12-ounce bottles were 24¢ or more for the named higher priced beverages and 19¢ or more for the popular priced beverages.

(2) *Group 2B.* Your establishment belongs to Group 2B, if during the base period of April 4-10, 1943, inclusive, your legally established ceiling prices for beverages subject to this order and sold in 12-ounce bottles were not less than 19¢ or more than 23¢ for the named higher priced beverages and not less than 14¢ nor more than 18¢ for the popular priced beverages.

(3) *Group 3B.* Your establishment belongs to Group 3B, if during the base period of April 4-10, 1943, inclusive, your legally established ceiling prices for beverages subject to this order and sold in 12-ounce bottles were less than 19¢ for the named higher priced beverages and less than 14¢ for the popular priced beverages. All establishments not engaged in the business of selling malt beverages during the base period of April 4-10, 1943, inclusive, also belong to Group 3B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4-10, 1943, and, if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1B or Group 2B, you may file an application with the Birmingham, Alabama, District Office of the Office of Price Administration requesting that your establishment be reclassified into the same group to which your nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon and your establishment is reclassified, you must retain the classification of a Group 3B seller, and must observe the ceiling prices as provided for that group in Appendix A hereof. All such applications for reclassification must contain the following information:

1. Name and address of the establishment and of its owner or owners.
2. A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operating.
3. The selling prices by brand name of all beverages sold since the beginning of its operation.
4. The names of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order.
5. Any other information pertinent to such application, or which may be requested by the Office of Price Administration.

SEC. 5. Filing with War Price and Rationing Board. When you have figured your proper group under section 4 above, you must, on or before July 29, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel,

restaurant, tavern) and the group to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number.

SEC. 6. Modification of prices. After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices:

(a) If, on the basis of your April 4-10, 1943, legal ceiling prices, this order, properly applied, requires you to be placed into a group with lower ceiling prices.

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purpose of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4-10, 1943, were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

SEC. 7. Exempt sales. The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such), including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation 1 (Dining Car Regulation).

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative where no part of the net earnings inures to the benefit of any individual which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to members of the Armed Forces who are members of the cooperative.

(d) Sales where the beverages subject to this order are included in, and sold as a part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation 4-1).

(e) Sales by the War Department or the Department of the Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales, an eating or drinking establishment and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a govern-

ing board, membership committee or other body, and unless it is otherwise operated as a private club.

(g) No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing such information as may be required, and has received a communication from such office authorizing exemption as a private club.

SEC. 8. Evasion. If you are an operator of an eating or drinking establishment you must not evade the ceiling prices established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4, 1943 to April 10, 1943, or

(b) Increase any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did have in effect on any corresponding day during the seven-day period from April 4 to April 10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals.

SEC. 9. Records and menus. If you are an operator of an eating or drinking establishment subject to this order you must observe the requirements of General Order 50, as well as Restaurant Maximum Price Regulation 4-1, either as revised and amended or as may be revised and amended; with reference to the filing and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order No. 50, are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals and beverages.

(b) Continue to prepare and maintain such records as have been ordinarily kept.

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages and meals. If the establishment has customarily used menus, it must continue to do so.

SEC. 10. Posting of prices. If you are an operator of an eating and drinking establishment you must post and keep posted, the ceiling prices of the beverages subject to this order sold by your establishment, either by:

(a) Supplying the customers menus or bills of fare showing the beverages subject to this order which are sold by the establishment; and showing the brand name, quantity and ceiling price of each kind and type of bottled beverage, and the quantity and ceiling price of all beverages sold on draught.

(b) Posting a sign giving the same information as required on menus or bills of fare by subparagraph (a) above. Such a sign must be posted in the establishment at a place where it can easily be read by the customers. If you prefer you may use a similar sign furnished by the Office of Price Administration.

Sec. 11. *Posting of group number.* If you operate an eating or drinking establishment selling at retail beverages subject to this order you must post, and keep posted, in the premises a card clearly visible to purchasers showing the group number of your establishment as classified under this order. The card must read "OPA 1B", "OPA 2B", or "OPA 3B", whichever is applicable. You may use the card furnished you for this purpose by the War Price and Rationing Board.

Sec. 12. *Receipts and sales slips.* Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment, a receipt containing a full description of the beverage sold and the price of same must be issued. Such receipts must show the date of issue and bear the signature of the person issuing same.

If you have customarily issued receipts or sales slips, you may not now discontinue the practice.

Sec. 13. *Operation of several places.* If you own or operate more than one place selling beverages subject to this order you must do everything required by this regulation for each place separately, or, if you operate under more than one license from the Alabama Beverage Control Board, you must establish a separate classification in accordance with this order for each licensed selling outlet, separately.

Sec. 14. *Enforcement.* If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement action, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

Sec. 15. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. If you are a seller subject to this order your license may be suspended for violation of the license or of the order. If your license is suspended you may not, during the period of suspension, make any sale for which your license has been suspended.

Sec. 16. *Relation to other maximum price regulations.* This order supersedes the provisions of Maximum Price Regulation No. 259 and the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of beverages subject to this order when sold as part of a meal and when the price of same is included in the meal subject to the provisions of Restaurant Maximum Price Regulation 4-1.

Sec. 17. *Definitions.* (a) "Malt beverage" is any malt beverage produced either within or without the Continental United States, and includes those com-

monly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without the Continental United States and commonly known as "near-beer".

(c) "On draught" means dispensed by a seller at retail from any container of $\frac{1}{8}$ barrel or larger size.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions or any agency of any of the foregoing.

(e) "Sales at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user.

(f) "Eating or drinking establishment" shall include any place, establishment or location, whether temporary or permanent, in which any prepared food item or meal, or any beverage is sold for immediate consumption on the premises or to be carried away without substantial change in form or substance. However, grocery and other stores that do not sell food items or meals, or beverages for immediate consumption on the premises are specifically excluded from this definition.

(g) "Other definitions". Unless the context otherwise requires, the defini-

tions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the other terms used herein.

Sec. 18. *Petitions for amendment.* Any person dissatisfied with any of the provisions of this Order may request the Office of Price Administration to amend the order. Such petition for Amendment must be filed in pursuance to the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall be directed to, filed with, and acted upon, by the District Director of the Birmingham, Alabama, District Office.

Sec. 19. *Revocation and amendment.* This order may be revoked, amended, or corrected at any time.

Sec. 20. *Effective date.* This order shall become effective July 29, 1944.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget and in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808)

Issued at Birmingham, Alabama, this 26th day of July 1944.

JOSEPH A. SHORT,
District Director.

APPENDIX A
GROUP 1-B

Brand or trade name	Manufacturer	Maximum price per bottle		
		7-ounce	12-ounce	32-ounce
Beer:		Cents	Cents	Cents
Barbarossa.....	Red Top Brewing Co.....	23	40	70
Blatz Pilsner.....	Blatz Brewing Co.....	23	40	70
Budweiser.....	Anheuser-Busch Inc.....	23	40	70
Burger Brau.....	Burger Brewing Co.....	23	40	70
Canadian Ace.....	Manhattan Brewing Co.....	23	40	70
Embassy Club.....	Best Brewing Co.....	23	40	70
Goebel.....	Goebel Brewing Co.....	20	35	60
Gold Crown.....	U. S. Brewing Co.....	23	40	70
Kelley's Half & Half.....	Kelley Brewing Co.....	23	40	70
Lemps Black Label.....	Lemps Brewing Co.....	23	40	70
Pabst Blue Ribbon.....	Pabst Brewing Co.....	23	40	70
Schlitz.....	Jos. Schlitz Brewing Co.....	23	40	70
Silver Fox Deluxe.....	Fox Deluxe Brewery.....	23	40	70
Victory.....	Pioneer Brewing Co.....	23	40	70
Zeiglers 520.....	Louis Zeigler Brewing Co.....	23	40	70
Ale:				
Red Top.....	Red Top Brewing Co.....	25	45	70
Carling's Red Cap.....	Brewing Corp. of America.....	25	45	70
Canadian Ace.....	Manhattan Brewing Co.....	23	40	70
All other brands not listed above.....		20	35	60

GROUP 2-B

Brand or trade name	Manufacturer	Maximum price per bottle		
		7-ounce	12-ounce	32-ounce
Beer:		Cents	Cents	Cents
Barbarossa.....	Red Top Brewing Co.....	20	45	70
Blatz Pilsner.....	Blatz Brewing Co.....	20	45	70
Budweiser.....	Anheuser-Busch, Inc.....	20	45	70
Burger Brau.....	Burger Brewing Co.....	20	45	70
Canadian Ace.....	Manhattan Brewing Co.....	20	45	70
Embassy Club.....	Best Brewing Co.....	20	45	70
Goebel.....	Goebel Brewing Co.....	16	35	60
Gold Crown.....	U. S. Brewing Co.....	20	45	70
Kelley's Half & Half.....	Kelley Brewing Co.....	20	45	70
Lemps Black Label.....	Lemps Brewing Co.....	20	45	70
Pabst Blue Ribbon.....	Pabst Brewing Co.....	20	45	70
Schlitz.....	Jos. Schlitz Brewing Co.....	20	45	70
Silver Fox Deluxe.....	Fox Deluxe Brewery.....	20	45	70
Victory.....	Pioneer Brewing Co.....	20	45	70
Zeiglers 520.....	Louis Zeigler Brewing Co.....	20	45	70
Ale:				
Red Top.....	Red Top Brewing Co.....	20	45	70
Carling's Red Cap.....	Brewing Corp. of America.....	20	45	70
Canadian Ace.....	Manhattan Brewing Co.....	20	45	70
All other brands not listed above.....		16	35	60

GROUP 2-B

Brand or trade name	Manufacturer	Maximum price per bottle		
		7-ounce	12-ounce	32-ounce
		Cents	Cents	Cents
Beer:				
Barbarossa.....	Red Top Brewing Co.....		18	49
Blatz Pilsner.....	Blatz Brewing Co.....		18	49
Budweiser.....	Anheuser-Busch, Inc.....		18	49
Burger Brau.....	Burger Brewing Co.....		18	49
Canadian Ace.....	Manhattan Brewing Co.....		18	49
Embassy Club.....	Best Brewing Co.....		18	49
Goebel.....	Goebel Brewing Co.....	13	18	49
Gold Crown.....	U. S. Brewing Co.....		18	49
Kelley's Half & Half.....	Kelley Brewing Co.....		18	49
Lemps Black Label.....	Lemps Brewing Co.....		18	49
Pabst Blue Ribbon.....	Pabst Brewing Co.....		18	49
Schlitz.....	Jos. Schlitz Brewing Co.....		18	49
Silver Fox Deluxe.....	Fox Deluxa Brewery.....		18	49
Victory.....	Pioneer Brewing Co.....		18	49
Zeiglers 520.....	Louis Zeigler Brewing Co.....		18	49
Ale:				
Red Top.....	Red Top Brewing Co.....		18	49
Carling's Red Cap.....	Brewing Corp. of America.....		18	49
Canadian Ace.....	Manhattan Brewing Co.....		18	49
All other brands not listed above.			13	35

[F. R. Doc. 44-12572; Filed, August 19, 1944; 4:18 p. m.]

[Montgomery Order G-1 Under Gen. Order 50, Amdt. 1]

MALT AND CEREAL BEVERAGES IN DESIGNATED COUNTIES IN ALABAMA

Amendment No. 1 to Order G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in the counties of Baldwin, Barbour, Bullock, Covington, Dallas, Escambia, Greene, Henry, Houston, Lee, Lowndes, Mobile, Montgomery, Perry, Pike and Russell in the State of Alabama.

An accompanying opinion has been filed with the Division of The Federal Register. Appendix A to Order G-1 is amended as follows:

1. The following brands or trade names and maximum prices for 12 ounce and 32 ounce bottles thereof are added to Group 1B under the appropriate columns:

GROUP 1-B

Brand or trade name	Maximum price per bottle	
	12 ounces	32 ounces
	<i>Cents</i>	<i>Cents</i>
Blatz Pilsner	25	45
Heirloom Gold Medal	25	45
Victory	25	45

2. The following brands or trade names and maximum prices for 12 ounce and 32 ounce bottles thereof are added to Group 2B under the appropriate column:

GROUP 2-B

Brand or trade name	Maximum price per bottle	
	12 ounces	32 ounces
	<i>Cents</i>	<i>Cents</i>
Blatz Pilsner	20	40
Heirloom Gold Medal	20	40
Victory	20	40

3. The following brands or trade names and maximum prices for 12 ounce and

32 ounce bottles thereof are added to Group 2B under the appropriate column:

GROUP 2-B

Brand or trade name	Maximum price per bottle	
	12 ounces	32 ounces
	<i>Cents</i>	<i>Cents</i>
Blatz Pilsner	17	35
Heirloom Gold Medal	17	35
Victory	17	35

This amendment shall be effective July 29, 1944.

Issued this 28th day of July 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7371; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

A. H. COLLINS,
District Director.

[F. R. Doc. 44-12573; Filed, August 19, 1944; 4:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-947, 70-946]

MINNESOTA UTILITIES CO., ET AL.

NOTICE OF FILINGS AND NOTICE OF AND ORDER FOR HEARING AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of August 1944.

In the matter of Minnesota Utilities Company, American Utilities Service Corporation, File No. 70-947, and Northern States Power Company (Minnesota), File No. 70-946.

Notice is hereby given that a joint declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Cor-

poration, a registered holding company, and its wholly-owned subsidiary, Minnesota Utilities Company, with respect to various proposed transactions which are hereinafter described. Notice is further given that a declaration and application has been filed by Northern States Power Company (Minnesota), a registered holding company, with respect to related transactions. All interested persons are referred to said documents which are on file in the office of this Commission for a full statement of the transactions therein proposed, which may be summarized as follows:

1. Minnesota Utilities Company proposes to sell and Northern States Power Company proposes to acquire all of the electric properties of the former company, comprising five districts (Wodge, Jordan, Nicollet, Mapleton, and Marine) located in the state of Minnesota, and its steam heating properties located in the town of Jordan, Minnesota, for a cash consideration of \$625,000, subject to certain adjustments at closing date.

2. Following the sale of its properties Minnesota Utilities Company will liquidate and dissolve, using part of the proceeds of said sale for the discharge of its existing obligations and the balance thereof being distributed to American Utilities Service Corporation, as the holder of all of its stock.

3. American Utilities Service Corporation proposes to employ the proceeds of said liquidation received by it, with other funds, for the redemption in the principal amount of \$700,000 of its Collateral Trust 6% Bonds, Series A, due November 1, 1964.

4. Minnesota Utilities Company and American Utilities Service Corporation request that the order of the Commission approving the transactions proposed by them conform with section 371 of the Internal Revenue Code, as amended by section 171 of the Revenue Act of 1942.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings be held with respect to said matters and that said declarations shall not become effective nor said applications be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that the issues presented by the declarations and applications of Minnesota Utilities Company and American Utilities Service Corporation (File No. 70-947) and of Northern States Power Company (File No. 70-946) involve common questions of law and fact and should be consolidated and heard together:

It is ordered, That the proceedings in these matters be, and they hereby are, consolidated and that a hearing thereon under the applicable provisions of the act and rules of the Commission promulgated thereunder be held on September 8, 1944 at 10:00 a. m., e. v. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing

cause shall be shown why such declarations and applications shall become effective or shall be granted.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein, shall file with the Secretary of the Commission on or before September 5, 1944 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention be directed at the hearing to the following matters and questions:

1. Whether the consideration is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets proposed to be sold and acquired.

2. Whether competitive conditions were maintained in negotiations for the sale of the properties.

3. Whether the action proposed to be taken by Minnesota Utilities Company and American Utilities Service Corporation is fair and equitable to the persons affected thereby and is in conformity with the requirements of the Commission's order of June 21, 1944 (Holding Company Act Release No. 5114).

4. Whether the proposed acquisition will serve the public interest by tending toward the economical and efficient development of an integrated public utility system; and whether the acquisition will unduly complicate the capital structure of the holding company system of the Northern States Power Company or be detrimental to the proper functioning of such system or the carrying out of the provisions of section 11 of the act.

5. Whether the fees and expenses to be paid in connection with the proposed transactions are reasonable.

6. Whether the accounting treatment proposed in connection with the proposed transactions is proper and is in accordance with sound accounting practices.

7. Whether such proposed transactions are appropriate in the public interest or for the protection of investors or consumers.

8. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers.

9. Generally, whether all actions proposed to be taken comply with the requirements of the Public Utility Holding Company Act of 1935 and rules, regulations or orders promulgated thereunder.

It is further ordered, That the Secretary of this Commission shall serve

notice of said hearing by mailing copies of this order by registered mail to declarants and applicants and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER.

It is further ordered, That jurisdiction be, and hereby is reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with this proceeding other filings or matters pertaining to the subject matter of this proceeding and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12486; Filed August 19, 1944;
9:54 a. m.]

[File No. 70-949]

LOUISVILLE GAS AND ELECTRIC CO.
(DELAWARE)

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of August, 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Louisville Gas and Electric Company (Delaware), a registered holding company. All interested persons are referred to said documents, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Louisville Gas and Electric Company (Delaware) proposes to dispose of all its interest in its wholly-owned subsidiary, Madison Light and Power Company by a sale of 1,500 shares of the capital stock of said Company and an open account indebtedness owing by said subsidiary to it in the principal sum of \$315,000 to Robert A. Yunker, Michael E. Garber, Herbert L. Lyon, Herbert H. Johnson, Walter A. Greiner, George W. Cofield, Joseph M. Cooper and Marshall F. Tennis (hereinafter referred to as "the Purchasers") for a total cash consideration of \$624,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both) shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the act and the rules of the Commission thereunder be held on August 30, 1944 at 2 p. m., e. w. t., in the office of the Securities and Exchange Commission, 18th and

Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application (or both), particular attention will be directed to the following matters:

1. Whether the consideration to be paid by the Purchasers for the capital stock and open account indebtedness is fair and reasonable.

2. Whether the proposed transaction is in the public interest and in the interest of investors and consumers.

3. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the proposed transaction to insure compliance with the requirements of the act and the rules, regulations and orders promulgated thereunder.

4. Whether, in all other respects, the proposed transaction complies with all the applicable provisions and requirements of the Act and the rules, regulations and orders promulgated thereunder.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before August 25, 1944, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Louisville Gas and Electric Company, the proposed Purchasers, and the Public Service Commission of the State of Indiana by registered mail, and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12487; Filed, August 10, 1944;
9:54 a. m.]

[File No. 59-7]

CITIES SERVICE POWER & LIGHT CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of August, A. D., 1944.

The Commission by order dated August 17, 1943, entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, having directed that Cities Service Power & Light Company and Federal Light & Traction

Company, registered holding companies, take certain steps as specified in said order to effect compliance with the provisions of section 11 (b) (1) of said act; and

Cities Service Power & Light Company and Federal Light & Traction Company, having filed an application requesting an extension of time for one year within which to comply with said order of August 17, 1943; and

The Commission having found that Cities Service Power & Light Company and Federal Light & Traction Company have been unable, in the exercise of due diligence, to comply in its entirety with the provisions of said order within the initial statutory period of one year from the date thereof and that the requested extension of time is necessary or appropriate in the public interest and for the protection of investors and consumers;

It is ordered, That Cities Service Power & Light Company and Federal Light & Traction Company be, and they are hereby, granted an additional period of one year from August 17, 1944 within which to comply with the provisions of said order of August 17, 1943.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 44-12485; Filed, August 19, 1944;
9:54 a. m.]

[File No. 812-357]

AMERICAN ELECTRIC SECURITIES CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of August, A. D. 1944.

An application having been filed by American Electric Securities Corporation for an order pursuant to section 23 (c) (3) of the Investment Company Act of 1940 and subdivision (c) of Rule N-23C-1 promulgated by the Commission thereunder permitting the applicant to purchase from two of its officers who are also directors 2,020 shares of its preferred stock at a price equivalent to the cost thereof to such officers less dividends received;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on August 28, 1944, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to American Electric Securities Corporation and to any other persons whose participation in such proceeding may be in

the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 44-12489; Filed, August 19, 1944;
9:54 a. m.]

[File Nos. 54-101, 59-75]

MINNESOTA POWER & LIGHT CO., ET AL.

NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of August, A. D., 1944.

In the matter of Minnesota Power & Light Company, File No. 54-101; in the matter of American Power & Light Company, Minnesota Power & Light Company, File No. 59-75.

I Notice is hereby given that Minnesota Power & Light Company ("Minnesota"), an electric utility subsidiary of American Power & Light Company ("American"), a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, has filed with this Commission an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder for the stated purpose of bringing it into compliance with the provisions of section 11 (b) (2) of said act.

All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein contemplated which are summarized as follows:

(1) Minnesota proposes that American, the owner of all of the common stock of Minnesota, surrender to Minnesota the following securities:

Description of Securities	Amount
Minnesota Power & Light Company:	
1,450,000 shares common stock, par value \$10.....	\$14,500,000
865 shares 7% preferred stock, par value \$100.....	86,500
225 shares 6% preferred stock, par value \$100 plus call premium and accrued dividends.....	27,113
878 shares 8% preferred stock, stated value.....	81,667
Superior Water, Light and Power Company ("Superior"):	
11,000 shares (including options to purchase 7 shares) of common stock. Underlying book value, as of April 30, 1944.....	2,504,677
The Pike Rapids Power Company ("Pike Rapids"):	
385 shares (including options to purchase 5 shares) of common stock. Underlying book value, as of April 30, 1944.....	62,029
Topelka Land Company ("Topelka"):	
\$315,725 principal amount of notes and advances and 1,000 shares (including options to purchase 4 shares)	

of capital stock. Underlying book value, as of April 30, 1944.....	\$323,450
Total.....	\$17,575,636

(2) Minnesota will create a capital surplus account of \$17,575,636, equivalent to the aggregate amount of the securities surrendered to it by American, and will debit the following accounts in the amounts shown:

Capital stock:	
7% preferred stock.....	\$86,500
6% preferred stock.....	27,113
8% preferred stock.....	81,667
Common stock.....	14,500,000
Investments.....	2,850,456

(3) Pursuant to an order of the Federal Power Commission of March 2, 1943, as amended, Minnesota will dispose of \$20,806,900.98 of inflationary items presently included in its plant accounts by charges to the following accounts:

Unamortized debt discount and expense.....	\$223,894.28
Discount on capital stock.....	859,703.00
Capital stock expense.....	328,910.37
Contingency reserve.....	139,174.02
Capital surplus.....	17,583,003.34
Earned surplus.....	1,681,218.97

Total..... \$20,806,900.98

Minnesota will also dispose of \$955,186 of additional inflationary items included in its plant accounts by a charge to earned surplus.

(5) Minnesota will issue 149,040 shares of a new series of 5% Cumulative Preferred Stock (New Preferred) of a par value of \$100 and a redemption price of \$105. The new preferred will have the right to elect a majority of the board of directors in the event of accumulation of arrearages equal to \$5 per share or more at the time of any annual stockholders' meeting and will have special voting rights in connection with the authorization of any new stock ranking prior to or on a parity with it; the issuance, subject to certain exceptions, of unsecured debt in excess of a stated amount; and the merger or consolidation of the company.

(6) All of the new preferred will be exchanged share for share with the 149,040 shares of preferred stock (old preferred) of Minnesota and, in addition, there will be paid out of the corporate funds of Minnesota, the sum of \$6.66 and \$3.33 per share, to the holders of the 7% and \$6 cumulative preferred stock, respectively, both of which issues, according to the articles of incorporation of the company, are callable at \$110 per share. Thereupon, the old preferred will be cancelled and the Articles of Incorporation will be amended to remove the authorization therefor.

(7) Minnesota will make appropriate changes in its articles of incorporation which will prohibit the payment of any dividends on its common stock or the purchase or retirement of any of such stock unless and until the stated common stock capital equals at least 20% of its total capitalization including surplus, and will thereafter restrict the payment of such dividends or the purchase

or retirement of common stock to 50% of the amounts otherwise available for such purposes until such time as its common capital plus surplus accounts are at least equal to 25% of the total capitalization including surplus, except that dividends may be paid on common stock out of surplus available therefor in an amount equal to the amount of dividends received by Minnesota on the common stock of Superior.

The application states that if the Commission should approve the plan the company expects to request the Commission to apply to a United States District Court pursuant to sections 11 (e) and 18 (f) to enforce and carry out the terms and provisions of the plan. The plan further states that the company reserves the right either to submit or not to submit the plan to its stockholders for their approval or to take or not take any action under the laws of Minnesota.

II. The Commission having data in its official files establishing or tending to establish the following:

(1) Minnesota is a public utility company organized under the laws of the State of Minnesota with its principal office in the City of Duluth, State of Minnesota. The Company is engaged in the business of generating, transmitting and distributing electric energy in the State of Minnesota and selling electric energy at wholesale to Superior, which operates in the State of Wisconsin.

(2) Minnesota is a subsidiary of American Power & Light Company, a registered holding company, which latter company owns all of the common stock and 1,968 shares of preferred stock. These securities represent 93% of the total voting power. American is, in turn, a subsidiary of Electric Bond and Share Company, also a registered holding company, which latter company owns preferred and common stocks of American representing 20.7% of the voting power.

(3) The capitalization of Minnesota, per books, as of April 30, 1944 was as follows:

	Amount	Percent
BONDS		
First and refunding mortgage gold bonds, 5 percent series due 1955	\$10,700,000	14.4
First and refunding mortgage gold bonds, 4½ percent series due 1978	18,000,000	24.2
Great Northern Power Co. first mortgage 5 percent gold bonds due 1950	3,784,000	5.1
Total long term debt	32,484,000	43.7
CAPITAL STOCK AND SURPLUS		
7 percent preferred stock, \$100 par value	7,979,400	10.7
\$6 preferred stock, no par value	6,594,922	8.9
6 percent preferred stock, \$100 par value	41,700	
Total preferred stock	14,616,022	19.6
Common stock \$10 par value	20,000,000	26.9
Surplus:		
Earned	7,331,757	9.8
Capital	7,393	
Total common stock and surplus	27,339,125	36.7
Total capitalization	74,439,147	100.0

(4) Each share of Minnesota's preferred and common stock is entitled to one vote at all stockholders' meetings. The preferred stock has no contingent or special voting rights. All classes of the preferred rank equally as to dividends and in liquidation, the claim in both voluntary and involuntary liquidation being \$100 per share plus accrued dividends.

(5) The capitalization of Minnesota as of April 30, 1944 as adjusted to reflect the elimination of the inflationary items contained in its plant account as shown by paragraph (3) of part I hereof is as follows:

	Amount	Percent
BONDS		
First and refunding mortgage gold bonds, 5 percent series due 1955	\$10,700,000	19.73
First and refunding mortgage gold bonds, 4½ percent series due 1978	18,000,000	33.20
Great Northern Power Co. first mortgage 5 percent gold bonds due 1950	3,784,000	6.98
Total long term debt	32,484,000	59.91
PREFERRED STOCK		
7 percent preferred, par value \$100	7,979,400	14.72
6 percent preferred, par value \$100	41,700	.08
\$6 preferred, no par value	6,594,922	12.16
Total preferred stock	14,616,022	26.96
COMMON STOCK		
Common stock	7,119,716	13.13
Total capitalization	54,219,738	100.00

(6) In addition to the items proposed to be eliminated from the plant account as reflected in the table contained in the preceding paragraph, the plant account of Minnesota contains \$1,306,148 representing service fees paid to affiliated companies, an undetermined portion of which represents profits paid to such affiliated companies, as well as \$9,450,628.16 representing the excess of the cost to Minnesota, or the holding company system of which it is a part, of the properties of Minnesota over the original cost of such properties to the persons first devoting them to the public use.

(7) Dividend arrearages existed on Minnesota's preferred stocks from 1933 until 1939, the maximum amount of such arrearages during such period being \$5.68 per share on the 7% preferred stock and \$4.68 per share on the \$6 preferred stock. No dividends have been paid on Minnesota's common stock since 1933.

III. It appearing to the Commission on the basis of the facts set forth in part I hereof and the allegations contained in part II hereof that there are reasonable grounds to believe that:

(a) Voting power is presently unfairly and inequitably distributed among Minnesota's securities and security holders; and

(b) All or part of the items on the balance sheet of Minnesota referred to in paragraph (3) of part I and paragraph (6) of part II hereof, may have to be disposed of by appropriate accounting adjustments.

IV. It appearing to the Commission in the light of the allegations stated in part II and part III hereof, that it is appropriate in the public interest and the interest of investors and consumers to institute proceedings directed to Minnesota and American under sections 11 (b) (2), 15 (f) and 20 (a) of the act in order to determine whether appropriate orders should be entered pursuant to said sections; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Minnesota pursuant to section 11 (e) of the act and the proceedings instituted herein by the Commission under sections 11 (b) (2), 15 (f) and 20 (a) of the act; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together; and

It further appearing to the Commission that evidence bearing on the matters recited above and upon the questions to be determined is contained in the record of proceedings before this Commission entitled: "In the Matter of Electric Bond and Share Company, File No. 59-12";

It is hereby ordered, That proceedings be and the same hereby are instituted under sections 11 (b) (2), 15 (f) and 20 (a) of the act directed to Minnesota and American and that such proceedings be consolidated with the proceedings with respect to the plan herein filed pursuant to section 11 (e) and that a hearing on such consolidated proceedings under the applicable provisions of the said act and the rules and regulations of the Commission thereunder be held on the 18th day of September at 10:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before September 16, 1944.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of this hearing be given to Minnesota, American, the Cities of Duluth, Minnesota, and Superior, Wisconsin and the Public Service Commission of Wisconsin by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Minnesota shall give additional notice of said hear-

ing to all known holders of its outstanding 7% and \$6 preferred stock by causing a copy of this notice and order of hearing to be mailed to such holders at their last-known addresses, such mailing to be made not less than 15 days prior to the date of said hearing.

It is further ordered, That without limiting the scope of the issues presented in the said consolidated proceedings particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed plan as filed pursuant to section 11 (e) of the act or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the act.

(2) Whether the proposed plan as filed or as hereafter modified is fair and equitable to the persons affected thereby.

(3) Whether the proposed transactions by Minnesota which are incidental to the consummation of the proposed plan comply with all of the requirements of the applicable provisions of the Act and the rules, regulations and orders thereunder.

(4) Whether the allegations contained in Parts II and III hereof are true and correct.

(5) Whether it is necessary or appropriate pursuant to section 11 (b) (2) of the act that Minnesota take steps to redistribute voting power fairly and equitably among its security holders and, if so, what steps should it be so ordered to take.

(6) Whether it is necessary or appropriate to require that Minnesota take action pursuant to section 15 (f) or 20 (a), or both, of the act, to segregate, dispose of or otherwise eliminate the inflationary items and intangibles contained in its plant and investment accounts, and to make such other adjustments in its accounts as may be necessary or appropriate to ensure compliance with the standards of the act.

It is further ordered, That the Commission reserve the rights, if at any time it appears conducive to an orderly, efficient or economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning any of the issues in the consolidated proceedings, to close the record with respect to any of such issues, or to take action on any such issues prior to the closing of the record on the other issues therein.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12484; Filed, August 19, 1944;
9:54 a. m.]

[File No. 30-29]

SOUTHWESTERN PUBLIC SERVICE CO.

ORDER CHANGING PLACE OF HEARING AND
CHANGING TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of August, A. D., 1944.

Southwestern Public Service Company having filed an application with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 for an order that it has ceased to be a holding company;

The Commission having ordered that a hearing be held in this matter on August 24, 1944 at the offices of this Commission in Philadelphia, Pennsylvania;

The Commission having designated Charles S. Lobingier as the officer of the Commission to preside at said hearing; and

A request having been made on behalf of the company for transfer of the hearing to Fort Worth, Texas; it appearing appropriate to hold the hearing in Fort Worth; and it being necessary to change the designation of an officer to preside at the said hearing;

It is ordered, That said hearing be held at 2:00 p. m., C. W. T., on August 24, 1944 in the Fort Worth, Texas offices of the Commission, 103 United States Courthouse, 10th and Lamar Streets, Fort Worth, Texas; and

It is further ordered, That R. F. Milwee, Jr. or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings at such time. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said act and to the trial examiner under the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12574; Filed, August 21, 1944;
9:33 a. m.]

WAR MANPOWER COMMISSION.

BARRE, Vt., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Barre Area is hereby prescribed, pursuant to §907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943 (8 F.R. 11338).

SECTION 1. Purpose. This employment stabilization program has been adopted in the Barre Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(1) The elimination of wasteful labor turnover in essential activities.

(2) The reduction of unnecessary labor migration,

(3) The direction of the flow of scarce labor where most needed in the war program,

(4) The maximum utilization of manpower resources.

Sec. 2. Definitions. As used in this employment stabilization program:

(1) "The Barre Area" is comprised of the territory designated in Appendix A.

(2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(3) "State" includes Alaska, Hawaii, and the District of Columbia.

(4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(5) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(6) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Barre Area to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in such area exceeds the available supply.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(9) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

Sec. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Barre Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

Sec. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Barre Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels: The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Barre Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance in his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto,

shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(3) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds

that the individual will be more fully utilized in the war effort.

SEC. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and *Provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(1) In violation of this program, or

(2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

SEC. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(7) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statement of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the Barre Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

SEC. 16. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. *Representation.* Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other represented by, the labor organization any step in the operation of the program.

SEC. 18. *General referral policies.* No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. *Effective date.* This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 7, 1944.

E. REYNOLD JOHNSON,
State Director.

Approved: August 11, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A—DESIGNATION OF THE BARRE AREA

The Barre Area is comprised of the territories included in the following cities and towns of the State of Vermont:

BARRE LOCAL OFFICE

The following towns in Orange County: Bradford, Braintree, Brookfield, Chelsea, Corinth, Fairlee, Newbury, Orange, Randolph, Strafford, Thetford, Topsham, Tunbridge, Vershire, Washington, West Fairlee, and Williamstown.

The following towns in Lamoille County: Belvidere, Cambridge, Eden, Elmore, Hyde Park, Johnson, Morristown, Stowe, Waterville, and Wolcott.

The following towns in Washington County: Barre (City), Barre (Town), Berlin, Calais, Duxbury, East Montpelier, Fayston, Marshfield, Middlesex, Montpelier (City), Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Warren, Waterbury, and Worcester.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Barre Area as additional controlled occupations:

Mule fixer.
Veneer lathe operator.

[F. R. Doc. 44-12436; Filed, August 18, 1944;
11:46 a.m.]

[Amdt. 1]

BARRE, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Barre Area effective October 15, 1943, is hereby amended in the following respects:

1. Section 2 (6) is hereby amended by inserting after the words "Barre Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:

(6) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Barre Area with the approval of the Regional Director to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in the area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Barre Area,".

3. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the second paragraph of section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed from "Referral in Case of Under-Utilization" to "Referral by the United States Employment Service."

Necessarily subparagraph (4) of section 8 thereby becomes subparagraph (3). In this subparagraph (3) the following sentence is hereby added after the word "employment" at the end of the first paragraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (4)."

4. Section 10 (3) is hereby amended by deleting all the part enclosed in parenthesis so that said subparagraph shall read as follows:

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

Section 10 shall be amended by adding the following new subparagraph which shall be effective July 1, 1944:

(5) The new employee is a male worker.

5. The following section on Employment Ceilings is hereby added to this program and becomes section 11.

SEC. 11. *Employment ceilings.* The State Manpower Director may fix for all or any establishments in the Barre Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (1) in the opening paragraph so that it shall read:

An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

The addition of the new section on Employment Ceilings necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by deleting subparagraph (7) in its entirety.

The addition of the new section on Employment Ceilings necessitates renumbering section 12 to section 13.

8. The addition of the new section on Employment Ceilings necessitates renumbering sections 13 and 14 to sections 14 and 15 respectively.

9. Section 15 is hereby amended by changing the language of the second paragraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the Barre Area for work to be performed within the area, and no advertising or solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on Employment Ceilings necessitates renumbering section 15 to section 16.

(10) The addition of the new section on Employment Ceilings necessitates renumbering sections 16, 17, 18, 19 to sections 17, 18, 19 and 20 respectively.

(11) Appendix B is hereby amended by inserting after the words "Barre

Area" in the second line the words "with the approval of the Regional Directors".

Dated: August 7, 1944.

E. REYNOLD JOHNSON,
State Director.

Approved: August 11, 1944,

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-12473; Filed, Aug. 18, 1944;
11:46 a. m.]

RUTLAND, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Rutland Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program," effective August 1, 1943 (8 F.R. 11338).

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Rutland Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measure equitable to labor and management and necessary for the effective prosecution of the war:

- (1) The elimination of wasteful labor turnover in essential activities,
- (2) The reduction of unnecessary labor migration,
- (3) The direction of the flow of scarce labor where most needed in the war program,
- (4) The maximum of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

- (1) "The Rutland Area" is comprised of the territory designated in Appendix A.
- (2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
- (3) "State" includes Alaska, Hawaii, and the District of Columbia.
- (4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(5) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(6) "Additional controlled occupation" means any occupation found by the

Area Manpower Director of the Rutland Area to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(b) An occupation in which the demand for workers in such Area exceeds the available supply.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(9) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or work in, the Rutland Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Rutland Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Rutland Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

- (1) Such individual is hired for work in an essential or locally needed activity, for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

Sec. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance in his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Sec. 8. Issuance of statements of availability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to the same job in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, and for so long as such employer continues his non-compliance after such finding.

(3) A statement of availability shall be issued by the United States Employ-

ment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The employer hiring the above-named worker shall not retain such worker in his employ after ----- and shall not issue a statement of availability to such worker upon his release.

Sec. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(4) The new employee's last regular employment was in agriculture and he

is to be hired for non-agricultural work, provided that no such individual shall be referred to non-agricultural work except after consideration and consultation with a designated representative of the War Food Administration, and provided further that such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(1) In violation of this program, or

(2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(7) The transfer of workers between agencies and departments of the Federal Government.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not

the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the Rutland Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

SEC. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. Effective date. This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 7, 1944.

E. REYNOLD JOHNSON,
State Director.

Approved: August 14, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A—DESIGNATION OF THE RUTLAND AREA

The Rutland Area is comprised of the territories included in the following cities and towns of the State of Vermont:

RUTLAND LOCAL OFFICE

The following cities and towns in Rutland County: Benson, Brandon, Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira, Mendon, Middletown, Mount Tabor, Pawlet, Pittsfield, Pittsford, Poultney, Proctor, Rutland City, Rutland Town, Shrewsbury, Sudbury, Tinmouth, Wallingford, Wells, West Haven, and West Rutland.

The following towns in Addison County: Bridport, Cornwall, Goshen, Granville, Hancock, Leicester, Middlebury, Orwell, Ripton, Salisbury, Shoreham, and Whiting.

The following towns in Windsor County: Bethel, Rochester, and Stockbridge.

The following towns in Bennington County: Dorset and Rupert.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Rutland Area as additional controlled occupations: Scale sealer

[F. R. Doc. 44-12438; Filed, August 18, 1944; 11:47 a. m.]

[Amdt. 1]

RUTLAND, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Rutland area effective October 15, 1943, is hereby amended in the following respects:

1. Section 2 (6) is hereby amended by inserting after the words "Rutland Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:

(6) Additional controlled occupation means an occupation found by the Area Manpower Director for the Rutland Area with the approval of the Regional Director to be either

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demands for workers in the Area exceed the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Rutland Area."

3. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the second paragraph of section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed from "Referral in case of under-utilization" to "Referral by the United States Employment Service".

Necessarily, subparagraph (4) of section 8 thereby becomes subparagraph (3). In this subparagraph (3) the following sentence is hereby added after the word "employment" at the end of the first paragraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (4)."

4. Section 10 (3) is hereby amended by deleting all the part enclosed in parenthesis so that said subparagraph shall read as follows:

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

Section 10 shall be amended by adding the following new paragraph which shall be effective July 1, 1944:

(5) The new employee is a male worker.

5. The following section on employment ceilings is hereby added to this program and becomes section 11:

SEC. 11. Employment ceilings. The State Manpower Director may fix for all or any establishments in the Rutland Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Any such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employees would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (1) in the opening paragraph so that it shall read: "An employer shall, upon written request of the United States Employment Service,

promptly release from employment any worker hired in violation of this program."

The addition of the new section on employment ceilings necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by deleting subparagraph (7) in its entirety.

The addition of the new section on employment ceilings necessitates renumbering section 12 to section 13.

8. The addition of the new section on employment ceilings necessitates renumbering sections 13 and 14 to sections 14 and 15, respectively.

9. Section 15 is hereby amended by changing the language of the second paragraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the Rutland Area for work to be performed within the area, and no advertising or solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on employment ceilings necessitates renumbering section 15 to section 16.

10. The addition of the new section on employment ceilings necessitates renumbering sections 16, 17, 18, and 19 to sections 17, 18, 19, and 20 respectively.

11. Appendix B is hereby amended by inserting after the words "Rutland Area" in the second line the words "with the approval of the Regional Director".

Dated: August 7, 1944.

E. REYNOLD JOHNSON,
State Director.

Approved: August 14, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-12475; Filed, August 18, 1944;
11:47 a. m.]

BENNINGTON, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Bennington Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943 (8 F.R. 11338).

SECTION 1. Purpose. This employment stabilization program has been adopted in the Bennington Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (1) The elimination of wasteful labor turnover in essential activities.
- (2) The reduction of unnecessary labor migration,
- (3) The direction of the flow of scarce labor where most needed in the war program,

(4) The maximum utilization of manpower resources.

SEC. 2. Definitions. As used in this employment stabilization program:

(1) "The Bennington Area" is comprised of the territory designated in Appendix A.

(2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(3) "State" includes Alaska, Hawaii, and the District of Columbia.

(4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(5) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(6) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Bennington Area to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in such area exceeds the available supply.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(9) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Bennington Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Bennington Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Bennington Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance in his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue

a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When, none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(3) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The employer hiring the above-named worker shall not retain such worker in his employ after — and shall not issue a statement of availability to such worker upon his release.

Sec. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for

which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(3) That the new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and *Provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(1) In violation of this program, or

(2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(4) The hiring by a foreign, State, County, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(7) The transfer of workers between agencies and departments of the Federal Government.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

Sec. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the Bennington Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

Sec. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. Effective date. This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such a date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 7, 1944.

E. REYNOLD JOHNSON,
State Director.

Approved: August 11, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A—DESIGNATION OF THE BENNINGTON AREA

The Bennington Area is comprised of the territories included in the following towns of the State of Vermont:

BENNINGTON LOCAL OFFICE

The following towns in Bennington County: Arlington, Bennington, Glastenbury, Landgrove, Manchester, Peru, Pownal, Reedsboro, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland, Winhall and Woodford.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Bennington Area with the approval of the Regional Director as additional controlled occupations:

- Sewing machine operator.
- Spinner.
- Knitting machine operator.
- Laborer, any industry.

[F. R. Doc. 44-12437; Filed, August 18, 1944; 11:46 a. m.]

[Amdt. 1]

BENNINGTON, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Bennington Area effective

October 15, 1943, is hereby amended in the following respects:

1. Section 2 (6) is hereby amended by inserting after the words "Bennington Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:

(6) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Bennington Area with the approval of the Regional Director to be either

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Bennington Area,"

3. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the second paragraph of section 9:

The United States Employment Service shall, upon request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed from "Referral in case of under-utilization" to "Referral by the United States Employment Service."

Necessarily subparagraph (4) of section 8 thereby becomes subparagraph (3). In this subparagraph (3) the following sentence is hereby added after the word "employment" at the end of the first paragraph:

Nothing in this section shall be construed to supersede the provisions of section 10 (4).

4. Section 10 (3) is hereby amended by deleting all the part enclosed in parenthesis so that said subparagraph shall read as follows:

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

Section 10 shall be amended by adding the following new subparagraph which shall be effective July 1, 1944:

(5) The new employee is a male worker.

5. The following section on Employment Ceilings is hereby added to this program and becomes section 11:

Sec. 11. Employment ceilings. The State Manpower Director may fix for all or any establishments in the Bennington Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (1) in the opening paragraph so that it shall read: "An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program."

The addition of the new section on employment ceilings necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by deleting subparagraph (7) in its entirety. The addition of the new section on employment ceilings necessitates renumbering section 12 to section 13.

8. The addition of the new section on employment ceilings necessitates renumbering sections 13 and 14 to sections 14 and 15 respectively.

9. Section 15 is hereby amended by changing the language of the second paragraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the Bennington Area for work to be performed within the area, and no advertising or solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on employment ceilings necessitates renumbering section 15 to section 16.

10. The addition of the new section on employment ceilings necessitates renumbering sections 16, 17, 18, and 19 to sections 17, 18, 19, and 20 respectively.

11. Appendix B is hereby amended by inserting after the words "Bennington Area" in the second line the words "with the approval of the Regional Director".

Dated: August 7, 1944.

E. REYNOLD JOHNSON,
State Director.

Approved: August 11, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-12474; Filed, August 18, 1944; 11:46 a. m.]

WAR PRODUCTION BOARD.

ESSEX HOMES, INC.

CONSENT ORDER

Essex Homes, Inc., 2 Stevenson Street, Lynbrook, Long Island, New York, engages in the construction of Defense Housing Projects in the State of New York. On October 29, 1941, the company applied for the issuance to it of Preference Rating Order P-55, covering construction of a Defense Housing Project to be located in Lynbrook, Long Island, New York, representing to the Director of Priorities of the War Production Board, that the proposed sales price of each dwelling would in no instance exceed the price of \$5835. Pursuant to this application, Preference Rating Order P-55, serial number 77-018-000062, was issued to the company on November 6, 1941. Subsequent thereto, the company entered into contracts of sale with respect to eight dwelling units included in the project for various prices all in excess of \$5835. Thereafter, investigation by the War Production Board brought about the disclosure of such outstanding contracts of sale and the company stated in writing to the War Production Board that it had neither sold nor agreed to sell any of such eight dwelling units, including all extras such as garage, landscaping and extra rooms, at prices in excess of \$6000. At a later date further investigation by the War Production Board revealed that Essex Homes, Inc.

had sold or agreed to sell each of said eight dwelling units at prices in excess of \$6000. On May 10, 1944, the company was charged by the New York Regional Compliance Manager of the War Production Board with having misrepresented the sale prices of the said dwelling units and was advised that Priorities Regulation No. 1 provides that any person who furnishes misleading information to the War Production Board may be deprived of priorities assistance and the allocation of materials, the supply, production or distribution of which is subject to any order or regulation of the War Production Board. Essex Homes, Inc. had admitted that the charges set forth in the said letter of May 10, 1944, and described herein, except as to the charge of wilfulness, and subsequent thereto, the corporation has refunded to each purchaser of the said dwelling units, or where title has not yet passed, has reduced the contract by a sum equal to the difference between the price set forth in the company's application for the issuance of Preference Rating Order P-55 and the price contracted for or charged. This refund totals \$5935.

Wherefore, upon the agreement and consent of Essex Homes, Inc., and upon the approval of the Regional Attorney, the Regional Compliance Manager, and the Compliance Commissioner, *It is hereby ordered, That:*

(a) During the period in which this order shall be in effect, deliveries of material to Essex Homes, Inc., its successors and assigns, shall not be accorded

priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except as may hereafter be specifically authorized in writing by the War Production Board.

(b) During the period in which this order shall be in effect, no authorization to begin the construction of any Defense Housing Project or any other construction to be erected in whole or in part by Essex Homes, Inc., its successors or assigns, shall be granted, except as may be hereafter specifically authorized in writing by an official order of the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Essex Homes, Inc., its successors or assigns, from any restrictions, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

This order shall take effect on August 19, 1944, and shall expire on December 19, 1944.

Issued this 12th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12560; Filed, August 19, 1944;
4:08 p. m.]